13979

Growth Management in the Tampa Bay Region: A Guide for Public Involvement

Florida Atlantic University / Florida International University Joint Center for Environmental and Urban Problems.

COASTAL ZONE
INFORMATION CENTER

CZIC COLLECTION

HC
107
.F63
G76
1979

Florida Atlantic University-
Florida International University
Joint Center for
Environmental and Urban Problems
and
Hillsborough Community College
Environmental Studies Center

The preparation of this handbook supplement was financially aided by a federal grant from the Department of Health, Education and Welfare through Title IA of the Higher Education Act as part of the project "A Consortium for Fostering Public Involvement in Growth Management," undertaken cooperatively by the Joint Center and Hillsborough and Daytona Beach Community Colleges.

13979

Florida Atlantic University / Florida International Univ.
Joint Center for Environmental & Urban Problems

COASTAL ZONE
INFORMATION CENTER

U.S. DEPARTMENT OF COMMERCE NOAA
COASTAL SERVICES CENTER
2234 SOUTH HOESON AVENUE
CHARLESTON, SC 29405-2413

GROWTH MANAGEMENT IN THE TAMPA BAY REGION:

A GUIDE FOR PUBLIC INVOLVEMENT

HC107.F63 G76 1979
2132 1035
JAN 2 9 1987
CZIC COLLECTION

Property of CSC Library

Preface

This publication is both a regional supplement to and legislative update of the handbook *Growth Management in South Florida: A Guide for Public Involvement* published by the Joint Center under a 1977 Title I HEA grant. Like its predecessor, it was inspired by a belief in the importance of public involvement in growth management decision-making. Selected federal and state legislation is summarized, local responses are described, and opportunities for public participation are highlighted. We hope readers will find this supplement a useful resource.

We would like to express our gratitude to all those who contributed their insight, expertise, time and effort to this endeavor. Special acknowledgement is due the HEA Title IA Policy Board, the regional advisory council, and growth management agency personnel whose guidance was indispensable.

Deborah E. Athos
Consortium Director

Linda C. Strutt
Consortium Project Coordinator

Susan N. Curtis
Regional Project Coordinator

February 1979

Property of CSC Library

TABLE OF CONTENTS

PART I. OPENING REMARKS

PART II. STATE LEGISLATION

PART III. FEDERAL LEGISLATION

PART IV. SUPPLEMENTAL MATERIAL

part i

opening remarks

Chapter I

CONCERN OVER GROWTH: AN OVERVIEW

In recent years Americans have begun questioning the traditional association of progress with growth. Rising public concern over degradation of the environment has been the major impetus behind federal, state and local initiatives addressing the need for comprehensive growth management.

Federal Response

In the past decade such dramatic organizational and legislative actions have occurred at the federal level in response to environmental problems as passage of the National Environmental Policy Act of 1969 (NEPA),[1] which created the President's Council on Environmental Quality (CEQ); creation of the U.S. Environmental Protection Agency in December 1970; and passage of the Coastal Zone Management Act of 1972. The CZM Act is the most significant of the federal actions to date, for in its comprehensiveness it most closely approximates a national growth management policy and its success in encouraging state planning efforts has been outstanding. While a national land use law has not yet been enacted, as many as 200 existing laws and programs enable the federal government to influence the land use activities of state and local governments, private enterprise and individuals.[2] These federal activities include housing and transportation programs; support of the use of land for open space, recreation and wildlife habitation; protection against floods; protection of the nation's coastal resources; and control of air, noise and water pollution.

This handbook will examine three major federal legislative responses to the public's concern over the environmental quality of life: the Coastal Zone Management Act, the Clean Water Act and the Clean Air Act.

State Response

It is doubtful that there is any policy area in which Florida has taken more progressive action than in the area of growth management. During the decade of the 1960's and early 1970's, Florida experienced a massive population surge fueled mainly by the immigration of retirees from the Northeast and Midwest.[3] This accelerated urbanization with the resultant strain on the state's natural systems generated a reassessment of our pervasive enthusiasm for growth. The shift in attitude toward growth and the use of land in Florida can be attributed in part to the growing national concern for the environment. However, local concerns were also powerful motivating forces. Floridians were witnessing the visible destruction of sand dunes and shorelines, persistent water shortages, the obstruction of access to long stretches of beachfront and the degradation of air and water quality.

The catalyst for definitive state action was the severe South Florida drought of 1971. The initial state

addressed the broad problems of land and water management in the state. The conference members recommended the adoption of a "comprehensive land and water management system that would allow the state to...[manage] its massive population growth, and to bring that into...[conformance] with the requirement of protecting the natural systems."[4] The governor subsequently appointed a task force to draft legislation reflecting the recommendations of the conference. As a result of the governor's initiative and the task force's efforts, four major growth management bills were passed during the 1972 session of the Florida legislature. Two of these laws, the Florida Environmental Land and Water Management Act (ELM) and the Florida Water Resources Act, are included in this handbook.

After passage of the 1972 growth management legislative "package," problems with the structure of state environmental agencies surfaced. Critics pointed to the duplication of effort, lack of accountability, and fragmentation of the bureaucratic structure, particularly as these problems affected the ability to protect the state's natural resources. The Florida legislature responded with the Environmental Reorganization Act of 1975 which delegated responsibility for environmental protection to two major units, the new Department of Environmental Regulation (DER) and the Department of Natural Resources (DNR).[5] During this same session, the legislature passed the Local Government Comprehensive Planning Act to promote orderly growth and development.

In March of 1976 voters approved the water management constitutional amendment enacted by the 1975 Florida legislature which enabled the legislature to authorize the water management districts to levy a tax on property.

[4] DeGrove, "New Directions," p. 139.

[5] Don Morgan, "Florida's New Environmental Structure," *Florida Environmental and Urban Issues* III (September/October 1975): 5-6, 12-13.

In passing the Florida Coastal Management Act of 1978, the legislature recognized the coast as a discrete area of the state and endorsed a comprehensive approach to the management of the state's coastal resources. Federal approval of the state's program, prerequisite to the awarding of federal implementation funds, will be sought during 1979.

Local Response

In recent years the Tampa Bay region has been experiencing the impact of continual population growth and economic development. Tourism, recreation, government, the phosphate industry and shipping all contribute significantly to the region's economy while at the same time placing a strain on the area's public services and environment. Citizens of the four-county region have become concerned over the threat to agricultural areas posed by encroaching urbanization; considerable salt water intrusion into the water supply of Pinellas County; Hillsborough County's substandard air and water quality; overcrowded transportation facilities; and pollution of the bay, rivers and lakes.

Spurred by citizen concern and by federal and state legislative mandates, the local governments of the region have become actively involved in the development of comprehensive plans and in other activities designed to deal with growth-related problems.

In 1975 the Florida legislature passed the "Hillsborough County Local Government Comprehensive Planning Act," commonly referred to as the "Little ELMS" Act, which required all local governments in Hillsborough County to adopt a comprehensive plan by December 1, 1977. The Hillsborough County Planning Commission was given responsibility for preparing the comprehensive plans for the county and each of its municipalities. The completed plans, known collectively as "Horizon 2000," are designed to provide for orderly growth in conjunction with the capital

Chapter I

CONCERN OVER GROWTH: AN OVERVIEW

In recent years Americans have begun questioning the traditional association of progress with growth. Rising public concern over degradation of the environment has been the major impetus behind federal, state and local initiatives addressing the need for comprehensive growth management.

Federal Response

In the past decade such dramatic organizational and legislative actions have occurred at the federal level in response to environmental problems as passage of the National Environmental Policy Act of 1969 (NEPA),[1] which created the President's Council on Environmental Quality (CEQ); creation of the U.S. Environmental Protection Agency in December 1970; and passage of the Coastal Zone Management Act of 1972. The CZM Act is the most significant of the federal actions to date, for in its comprehensiveness it most closely approximates a national growth management policy and its success in encouraging state planning efforts has been outstanding. While a national land use law has not yet been enacted, as many as 200 existing laws and programs enable the federal government to influence the land use activities of state and local governments, private enterprise and individuals.[2] These federal activities include housing and transportation programs; support of the use of land for open space, recreation and wildlife habitation; protection against floods; protection of the nation's coastal resources; and control of air, noise and water pollution.

This handbook will examine three major federal legislative responses to the public's concern over the environmental quality of life: the Coastal Zone Management Act, the Clean Water Act and the Clean Air Act.

State Response

It is doubtful that there is any policy area in which Florida has taken more progressive action than in the area of growth management. During the decade of the 1960's and early 1970's, Florida experienced a massive population surge fueled mainly by the immigration of retirees from the Northeast and Midwest.[3] This accelerated urbanization with the resultant strain on the state's natural systems generated a reassessment of our pervasive enthusiasm for growth. The shift in attitude toward growth and the use of land in Florida can be attributed in part to the growing national concern for the environment. However, local concerns were also powerful motivating forces. Floridians were witnessing the visible destruction of sand dunes and shorelines, persistent water shortages, the obstruction of access to long stretches of beachfront and the degradation of air and water quality.

The catalyst for definitive state action was the severe South Florida drought of 1971. The initial state

addressed the broad problems of land and water management in the state. The conference members recommended the adoption of a "comprehensive land and water management system that would allow the state to...[manage] its massive population growth, and to bring that into...[conformance] with the requirement of protecting the natural systems."[4] The governor subsequently appointed a task force to draft legislation reflecting the recommendations of the conference. As a result of the governor's initiative and the task force's efforts, four major growth management bills were passed during the 1972 session of the Florida legislature. Two of these laws, the Florida Environmental Land and Water Management Act (ELM) and the Florida Water Resources Act, are included in this handbook.

After passage of the 1972 growth management legislative "package," problems with the structure of state environmental agencies surfaced. Critics pointed to the duplication of effort, lack of accountability, and fragmentation of the bureaucratic structure, particularly as these problems affected the ability to protect the state's natural resources. The Florida legislature responded with the Environmental Reorganization Act of 1975 which delegated responsibility for environmental protection to two major units, the new Department of Environmental Regulation (DER) and the Department of Natural Resources (DNR).[5] During this same session, the legislature passed the Local Government Comprehensive Planning Act to promote orderly growth and development.

In March of 1976 voters approved the water management constitutional amendment enacted by the 1975 Florida legislature which enabled the legislature to authorize the water management districts to levy a tax on property.

[4] DeGrove, "New Directions," p. 139.

[5] Don Morgan, "Florida's New Environmental Structure," *Florida Environmental and Urban Issues* III (September/October 1975): 5-6, 12-13.

In passing the Florida Coastal Management Act of 1978, the legislature recognized the coast as a discrete area of the state and endorsed a comprehensive approach to the management of the state's coastal resources. Federal approval of the state's program, prerequisite to the awarding of federal implementation funds, will be sought during 1979.

Local Response

In recent years the Tampa Bay region has been experiencing the impact of continual population growth and economic development. Tourism, recreation, government, the phosphate industry and shipping all contribute significantly to the region's economy while at the same time placing a strain on the area's public services and environment. Citizens of the four-county region have become concerned over the threat to agricultural areas posed by encroaching urbanization; considerable salt water intrusion into the water supply of Pinellas County; Hillsborough County's substandard air and water quality; overcrowded transportation facilities; and pollution of the bay, rivers and lakes.

Spurred by citizen concern and by federal and state legislative mandates, the local governments of the region have become actively involved in the development of comprehensive plans and in other activities designed to deal with growth-related problems.

In 1975 the Florida legislature passed the "Hillsborough County Local Government Comprehensive Planning Act," commonly referred to as the "Little ELMS" Act, which required all local governments in Hillsborough County to adopt a comprehensive plan by December 1, 1977. The Hillsborough County Planning Commission was given responsibility for preparing the comprehensive plans for the county and each of its municipalities. The completed plans, known collectively as "Horizon 2000," are designed to provide for orderly growth in conjunction with the capital

Chapter I

CONCERN OVER GROWTH: AN OVERVIEW

In recent years Americans have begun questioning the traditional association of progress with growth. Rising public concern over degradation of the environment has been the major impetus behind federal, state and local initiatives addressing the need for comprehensive growth management.

Federal Response

In the past decade such dramatic organizational and legislative actions have occurred at the federal level in response to environmental problems as passage of the National Environmental Policy Act of 1969 (NEPA),[1] which created the President's Council on Environmental Quality (CEQ); creation of the U.S. Environmental Protection Agency in December 1970; and passage of the Coastal Zone Management Act of 1972. The CZM Act is the most significant of the federal actions to date, for in its comprehensiveness it most closely approximates a national growth management policy and its success in encouraging state planning efforts has been outstanding. While a national land use law has not yet been enacted, as many as 200 existing laws and programs enable the federal government to influence the land use activities of state and local governments, private enterprise and individuals.[2] These federal activities include housing and transportation programs; support of the use of land for open space, recreation and wildlife habitation; protection against floods; protection of the nation's coastal resources; and control of air, noise and water pollution.

This handbook will examine three major federal legislative responses to the public's concern over the environmental quality of life: the Coastal Zone Management Act, the Clean Water Act and the Clean Air Act.

State Response

It is doubtful that there is any policy area in which Florida has taken more progressive action than in the area of growth management. During the decade of the 1960's and early 1970's, Florida experienced a massive population surge fueled mainly by the immigration of retirees from the Northeast and Midwest.[3] This accelerated urbanization with the resultant strain on the state's natural systems generated a reassessment of our pervasive enthusiasm for growth. The shift in attitude toward growth and the use of land in Florida can be attributed in part to the growing national concern for the environment. However, local concerns were also powerful motivating forces. Floridians were witnessing the visible destruction of sand dunes and shorelines, persistent water shortages, the obstruction of access to long stretches of beachfront and the degradation of air and water quality.

The catalyst for definitive state action was the severe South Florida drought of 1971. The initial state response was the Governor's Conference on Water Management in South Florida (September 1971) which

[1] Public Law 91-190, January 1, 1970 (42 U.S.C. 4321-4347).

[2] National Environmental Development Association, "Seven Facts About Federal Land Use," NEDA REPORT 1977 (Washington, D.C.: NEDA), p. 9.

[3] John M. DeGrove, "Land Management: New Directions for the States," in *Urban Options I* by Alan K. Campbell et al., (Columbus, Ohio: Academy for Contemporary Problems, 1976), p. 139.

addressed the broad problems of land and water management in the state. The conference members recommended the adoption of a "comprehensive land and water management system that would allow the state to...[manage] its massive population growth, and to bring that into...[conformance] with the requirement of protecting the natural systems."[4] The governor subsequently appointed a task force to draft legislation reflecting the recommendations of the conference. As a result of the governor's initiative and the task force's efforts, four major growth management bills were passed during the 1972 session of the Florida legislature. Two of these laws, the Florida Environmental Land and Water Management Act (ELM) and the Florida Water Resources Act, are included in this handbook.

After passage of the 1972 growth management legislative "package," problems with the structure of state environmental agencies surfaced. Critics pointed to the duplication of effort, lack of accountability, and fragmentation of the bureaucratic structure, particularly as these problems affected the ability to protect the state's natural resources. The Florida legislature responded with the Environmental Reorganization Act of 1975 which delegated responsibility for environmental protection to two major units, the new Department of Environmental Regulation (DER) and the Department of Natural Resources (DNR).[5] During this same session, the legislature passed the Local Government Comprehensive Planning Act to promote orderly growth and development.

In March of 1976 voters approved the water management constitutional amendment enacted by the 1975 Florida legislature which enabled the legislature to authorize the water management districts to levy a tax on property.

[4] DeGrove, "New Directions," p. 139.

[5] Don Morgan, "Florida's New Environmental Structure," *Florida Environmental and Urban Issues* III (September/October 1975): 5-6, 12-13.

In passing the Florida Coastal Management Act of 1978, the legislature recognized the coast as a discrete area of the state and endorsed a comprehensive approach to the management of the state's coastal resources. Federal approval of the state's program, prerequisite to the awarding of federal implementation funds, will be sought during 1979.

Local Response

In recent years the Tampa Bay region has been experiencing the impact of continual population growth and economic development. Tourism, recreation, government, the phosphate industry and shipping all contribute significantly to the region's economy while at the same time placing a strain on the area's public services and environment. Citizens of the four-county region have become concerned over the threat to agricultural areas posed by encroaching urbanization; considerable salt water intrusion into the water supply of Pinellas County; Hillsborough County's substandard air and water quality; overcrowded transportation facilities; and pollution of the bay, rivers and lakes.

Spurred by citizen concern and by federal and state legislative mandates, the local governments of the region have become actively involved in the development of comprehensive plans and in other activities designed to deal with growth-related problems.

In 1975 the Florida legislature passed the "Hillsborough County Local Government Comprehensive Planning Act," commonly referred to as the "Little ELMS" Act, which required all local governments in Hillsborough County to adopt a comprehensive plan by December 1, 1977. The Hillsborough County Planning Commission was given responsibility for preparing the comprehensive plans for the county and each of its municipalities. The completed plans, known collectively as "Horizon 2000," are designed to provide for orderly growth in conjunction with the capital

improvements program. Concern for the county's environment was demonstrated by creation of the Hillsborough County Environmental Protection Commission (EPC) in 1967. The EPC was assigned responsibility for air quality rules, regulations and monitoring in 1972.

Manatee County has also responded to the need for planning and environmental protection. The Manatee County Comprehensive Plan was accepted by the county commission in 1975. The county Department of Planning and Development is currently developing "A Management System for Manatee County," a comprehensive framework for official land use decision-making. Response to the county's pollution problems began early. In November 1975 the Manatee County Pollution Control Program was created as a result of a countywide citizen referendum. The county adopted an air pollution ordinance on December 3, 1968 which received state approval in January of 1970.

The Pasco County Planning Division is planning for the needs of its citizens in the face of rapid growth. The countywide General Plan will target the problem areas associated with this growth and make recommendations for their resolution. Adoption of the plan is expected in 1980.

Faced with the highest density of any county in the state, the staff of the Pinellas County Planning Council is currently preparing the countywide General Plan based upon the Comprehensive Land Use Plan adopted in 1974. The local governments of the county are preparing more detailed elements to guide local growth and development.

Summary

Actions at the federal, state and local levels of government directed toward growth management reflect the public's concern over the difficult task of balancing the social, economic and physical demands of an urban society while maintaining or enhancing the environmental quality of life. In addition, all levels of government have recognized the need for continuous citizen involvement in the ongoing decision-making process. This handbook is designed to promote this involvement by providing the information and understanding essential for a meaningful public role in the shaping and evaluation of growth management policies.

Chapter II

INTRODUCTION TO THE HANDBOOK SUPPLEMENT

FOSTERING PUBLIC INVOLVEMENT IN GROWTH MANAGEMENT

This handbook supplement is a significant product of "A Consortium for Fostering Public Involvement in Growth Management," a project undertaken jointly by Hillsborough and Daytona Beach Community Colleges and the FAU-FIU Joint Center for Environmental and Urban Problems funded by a Title IA, Higher Education Act grant. The program has sought to enhance the effectiveness of citizen input into environmental decision-making by establishing channels of information and opportunities for the exchange of ideas among key participants in the growth management process. Specifically, the workshop series provided a general educational forum for the discussion of environmental laws, emphasizing the strengths and weaknesses of current public participation procedures. The monthly newsletter has provided an ongoing informational service to residents of Volusia and Flagler counties and the Tampa Bay region. This handbook supplement is a basic resource which describes local and regional implementation of selected key federal and state growth management legislation as well as the formal and informal procedures for public involvement.

GROWTH MANAGEMENT IN THE TAMPA BAY REGION: A GUIDE FOR PUBLIC INVOLVEMENT

Purpose of the Handbook Supplement

The complexity of urban problems has made public access to the growth management decision-making process extremely difficult. Despite legislative recognition of the need for effective public involvement in governmental policy-making, citizens generally remain uninformed as to *how* or *where* to acquire background information on growth management, *which* key governmental agencies are involved in the processes, and *what* environmental activities or policy decisions are occurring. In turn, the inadequacy of available information and the paucity of educational forums has led, in too many cases, to citizen indifference or frustration.

The purpose of this handbook is to increase the public's knowledge of growth management in Florida by providing a basic description of selected environmental laws, with particular emphasis upon local application and the mechanisms employed for public participation. The availability of educational resources, such as this handbook, not only increases the opportunity for the public to become knowledgeable on key environmental issues, but more importantly, enhances the potential for effective involvement in critical decision-making processes.

Scope and Application

This handbook is designed to provide substantive, but not technical, information to the concerned public—the individual, citizen group or representative of the private sector who has a developed interest in this subject area. It briefly reviews six key federal and state laws and describes the impact of their implementation on the four counties of the Tampa Bay region.

The number of laws addressed was limited in order to facilitate a reasonably in-depth examination within the bounds of time and cost considerations. Current and future impact and regional applicability were the criteria for selection. The federal legislation addressed includes the Clean Air Act, the Federal Water Pollution Control Act and the Coastal Zone Management Act. State legislation considered includes the Land and Water Management Act, the Water Resources Act, and

the Local Government Comprehensive Planning Act. While these laws do not represent the only important federal and state responses to the public's concern over growth, they do provide an adequate framework for understanding the complex issues and legal interrelationships involved in developing a national, state-supportive, growth policy. Special emphasis has been placed upon regional responses to and impact of these selected laws. A somewhat more detailed account of the federal and state legislation is provided in the Joint Center's 1977 Title I HEA handbook entitled *Growth Management in South Florida: A Guide for Public Involvement.*

Organizational Framework

In order to enhance the usefulness of this manual, the chapters have been grouped into sections on the basis of their overall focus.

Part I provides the reader with a brief overview of growth management, the purpose and scope of the handbook, basic instructions on use of the handbook, and the highlights of current public participation mechanisms.

The three chapters of Part II address the state laws, while Part III presents summary discussions of the federal legislation. These legislative chapters include legal citations for reference purposes. The major portion of each legislative chapter is devoted to application in the Tampa Bay region. Where beneficial, graphics are used to illustrate implementation processes and geographical boundaries.

The final section includes a contact list, a glossary of terms, selected references and a list of state depositories in the region. The contact list is provided to aid the reader in obtaining additional information; it indicates the appropriate contact for requesting placement on mailing lists, specific information on upcoming events, and the like.

The glossary is composed of key terms found in the laws or regulations. Words included in the glossary are cross-referenced in the text of the handbook.

The list of selected references includes legal citations of the laws examined in the handbook, relevant governmental publications, key works in the field of growth management, and articles relating to the Florida and regional experiences.

Part IV also lists those local libraries which maintain all state documents, studies and plans required by law to be made available for public review, as well as federal and local documents.

How to Use the Handbook

As previously stated, this handbook is designed to be either an introductory guide to key federal and state legislation and its significance for the Tampa Bay region and its residents, or a convenient reference for a particular law or contact source. To maximize the utility of the glossary of terms found in Part IV of the handbook, all words included in the glossary are italicized in the text when first used. This approach not only alerts the reader to terms defined in the glossary, but also reduces the number of footnotes found within the text. Footnotes have been limited to explanatory notes and source citations.

PARTICIPATION: ACCESS AND UNDERSTANDING

In each of the following chapters major emphasis is placed on both the formal and informal opportunities for public involvement in selected growth management processes. The purpose and design of this handbook strongly reflect the belief that interested individuals and groups must involve themselves continuously from the beginning to effectively impact a given growth management process. The closing section of this chapter provides the reader with a brief perspective on how to participate in the policy-making processes affecting the future environment and the nature of growth in the Tampa Bay region. As you read each of the legislative chapters please note the opportunities available for public involvement, for only through broadly-representative citizen input can the legislative

intent underlying provisions for public participation be realized.

All laws included in this handbook contain provisions for public participation. Public hearings, whether mandatory or requested, must allow for public comment. Timely and prominent public notice is required for any public hearing. Proposed plans and regulations must be made available for public review in the affected area. In addition to the general legislative provisions for citizen participation, agencies responsible for enforcement or implementation are encouraging a greater role for the public through the use of advisory committees and task forces. The reader will discover that the opportunities for public involvement are numerous and the initiative required is reasonable.

The Development of Regional Impact Process

Specific opportunities for involvement in the DRI[1] process include public hearings at the local government level after due notice and formal review at the regional level during regularly scheduled regional planning council (RPC) meetings. An individual may receive further information by requesting copies of the DRI weekly lists, RPC reports and development orders. Individuals are also encouraged to participate on committees which advise the regional planning council on various issues considered in the DRI review, such as coastal zone and water quality management.

The DRI process is of importance to the Tampa Bay residents because it furnishes a regional perspective on current and proposed development activities. Between July 1973 and July 1978, 48 DRI applications for the four-county area were filed with the Tampa Bay Regional Planning Council. This level of growth and development renders consideration of the impact on transportation facilities, public service functions and the environment imperative.

[1] DRIs are primarily large construction projects which could significantly affect the residents of more than one county. See chapter III for a more detailed explanation of DRIs.

The State Water Use Plan and the General Permit Process

The objective of the Southwest Florida Water Management District's *District Water Management Plan-78* (DWMP-78) is the health, safety and general welfare of the public. The response of local citizens to the district's request for participation in the development of the DWMP-78 included the expression of important ideas and suggestions, review of the plan and attendance at public hearings. In response to this active participation, DWMP-78 was drafted to reflect many of the public's concerns and viewpoints regarding the proper management of water resources.

Avenues for public participation in the district's permitting process include hearings before the governing board; mailing lists for governing board minutes, agendas and news releases; notification, upon request, of pending applications affecting a designated area; and access to district permit application files. In addition, creation of a telephone information hotline is being considered.

Because the geographical distribution of the water resources of the region is inequitable, with coastal counties water-poor and central counties water-rich, it is mandatory that these resources be regulated and managed fairly. Inter-county competition should abate as the planning and management of water resources becomes an integral part of comprehensive regional planning. Implementation of the DWMP-78 and subsequent monitoring will require close public scrutiny.

The Comprehensive Planning Process

The comprehensive planning processes in Pasco, Pinellas, Hillsborough and Manatee counties have provided several opportunities for citizen involvement in the development of growth management policy.

Having adopted its comprehensive plan in December 1977, Hillsborough County is currently

holding sector (small neighborhood) meetings to develop more detailed plans. The extent of citizen participation in these meetings has varied from sector to sector.

Manatee County has conducted steering committee "workshops" to involve public officials, community and business leaders and neighborhood residents in the planning process.

Pinellas County, with twenty-four incorporated municipalities and widely-scattered unincorporated areas, has used the local governments as vehicles for public involvement in the county's comprehensive planning process. In the larger municipalities citizen advisory committees meet to review findings and make recommendations. Local and county public hearings are also held.

Citizen participation is becoming a more significant aspect of Pasco County's planning process. The ideas expressed in numerous public meetings are being incorporated into the General Plan.

Citizen participation has been a key element in drafting and revising the local comprehensive plans for the Tampa Bay region. As a general rule, where citizens became actively involved in the planning process at an early stage the final draft has enjoyed wider acceptance.

The Coastal Zone Management Program

The Coastal Zone Management Act of 1972 authorizes federal funding to assist states in developing and implementing programs to manage their coastal areas. Florida residents were given the opportunity to serve on advisory committees, attend workshops and actively participate in developing a coastal zone plan for the state.

During 1974 The Tampa Bay Regional Planning Council (TBRPC) was primarily involved in extensive data collection which resulted in the *Region 8 CZM Atlas*. Citizen and Technical Advisory Committees (CAC and TAC) were also established during this first year. The TAC (representatives from local planning agencies, port authorities, soil and water conservation districts, the SWFWMD, and county pollution control agencies) furnished the CAC with technical expertise in identifying coastal zone problems and related issues, and provided input into policy recommendations designed to alleviate problems. The TBRPC staff reviewed state-produced technical documents concerning the coastal zone, weekly meetings of the CAC and TAC were held to review the draft proposals, and regional coastal zone policies were developed. All of the efforts by citizens and technical committees, regional planning councils and state staff culminated in the Legislative Draft of the Florida Coastal Management Program which was the basis of the coastal management bill presented to the 1978 Florida legislature.

Federal Regulatory Legislation

The Clean Air Act Amendments of 1970 and 1977 and the Federal Water Pollution Control Act Amendments of 1972 and 1977 have significant regulatory effects on the air and water quality of Manatee, Pasco, Pinellas and Hillsborough counties. Both acts include only general provisions for public participation, requiring the Environmental Protection Agency (EPA) and the states to "provide, encourage, and assist" public participation. EPA and Florida's Department of Environmental Regulation (DER) have met this responsibility by incorporating specific provisions into their permitting systems. The mandatory public notice of permit applications and 30-day public comment period afford citizens an opportunity for input into the decision-making process. Tampa has been designated by EPA as an area for concerted public participation programs on air quality. Water planning programs have involved citizens through advisory committees at both the local and regional levels. Nonattainment designations for both air and water quality have already been assigned to several communities in the Tampa Bay region. In view of the rapid growth of the area, monitoring of air and water quality by a concerned public is crucial if further pollution is to be avoided.

part ii

state legislation

Chapter III

THE DEVELOPMENT OF REGIONAL IMPACT PROCESS

From The Florida Environmental Land and Water Management Act of 1972
Chapter 380, Florida Statutes

LEGISLATIVE HIGHLIGHTS

Purpose of the Act (Section 380.021)

It was the legislature's intent that the state establish land and water management policies to guide and coordinate local decisions relating to growth and development. Implementation of the policies was made the responsibility of local governments, to be handled by existing legislated processes to the maximum extent possible. The goals include protection of the environment and natural resources, reversal of water quality deterioration, optimum utilization of limited water resources, and orderly and well-planned development. The law also provides for the protection of private property rights.

Definition of a DRI (Section 380.06(1))

A development of regional impact (DRI) is defined in the law as "any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county."

Guidelines and Standards (Section 380.06(2))

As specified in chapter 22F-2, Florida Administrative Code, there are twelve types of projects presumptively defined as developments of regional impact. However, not all projects in these categories will be designated as DRIs since threshold and location criteria are employed to further define which projects qualify. The twelve development types are:

- Airports
- Attractions and Recreational Facilities
- Transmission Lines
- Hospitals
- Industrial Plants and Industrial Parks
- Mining Operations
- Office Parks
- Petroleum Storage Facilities
- Port Facilities
- Residential Developments
- Schools
- Shopping Centers

Binding Letter of Interpretation (Section 380.06(4))

If a developer is in doubt as to whether his proposed development qualifies as a DRI, whether his rights are vested pursuant to subsection (12),[1] or whether a

[1] Subsection (12) of section 380.06 provides that if a developer, by his actions based on prior regulations, has been authorized to develop before the effective date of the Rules of the Administration Commission, he has obtained "vested" or legal rights that in law would prevent a local government from changing those authorizations in a way adverse to his interests.

proposed substantial change to a previously vested DRI would divest such rights, he may request a determination from the Division of State Planning (DSP). Within 60 days DSP will issue a binding letter of interpretation with respect to the proposed development. This letter of interpretation is binding on all state, regional and local agencies as well as the developer.

The initiation of many approved DRIs was delayed by the construction slowdown in Florida in 1973-4. When they were ready to begin construction, developers often found their development orders irrelevant for the new market conditions. As a result, the 1977 legislature added to chapter 380 criteria for determining the need to submit proposed changes to the DRI process.

In determining whether a proposed substantial change to a previously vested DRI would divest those rights established pursuant to subsection (12), DSP must review the proposed change within the context of:

1) Its conformance with any adopted state comprehensive plan and any rules of DSP

2) All rights and obligations arising out of the vested status of the development

3) Permit conditions of requirements imposed by the state Departments of Environmental Regulation and of Natural Resources, by any water management district, or by any appropriate federal regulatory agency

4) Any regional impacts arising from the proposed change.

If a proposed substantial change to a DRI previously vested would result in reduced regional impacts, the change does not divest rights to complete the development.

Adoption of Rules
(Section 380.06(14 a,b))

The Division of State Planning must adopt rules to insure uniform procedural review of DRIs internally and by the regional planning agencies. The rules, adopted pursuant to chapter 120, the Administrative Procedure Act, must prescribe all forms, application content and review guidelines necessary to implement DRI review.[2]

Regional planning agencies are subject to rules adopted by DSP but they may adopt additional rules pursuant to chapter 120 to promote efficient DRI review.

A network of eleven regional planning councils (RPCs) has been delegated the responsibilities assigned by the act to "regional planning agencies." RPCs are created by interlocal agreement and are governed by representatives of member local governments (usually elected officials) in each multi-county area. While the final decision regarding a DRI application rests with the local government in whose jurisdiction the proposed project would be located, the RPC review is intended to identify and attempt to settle regional concerns.[3]

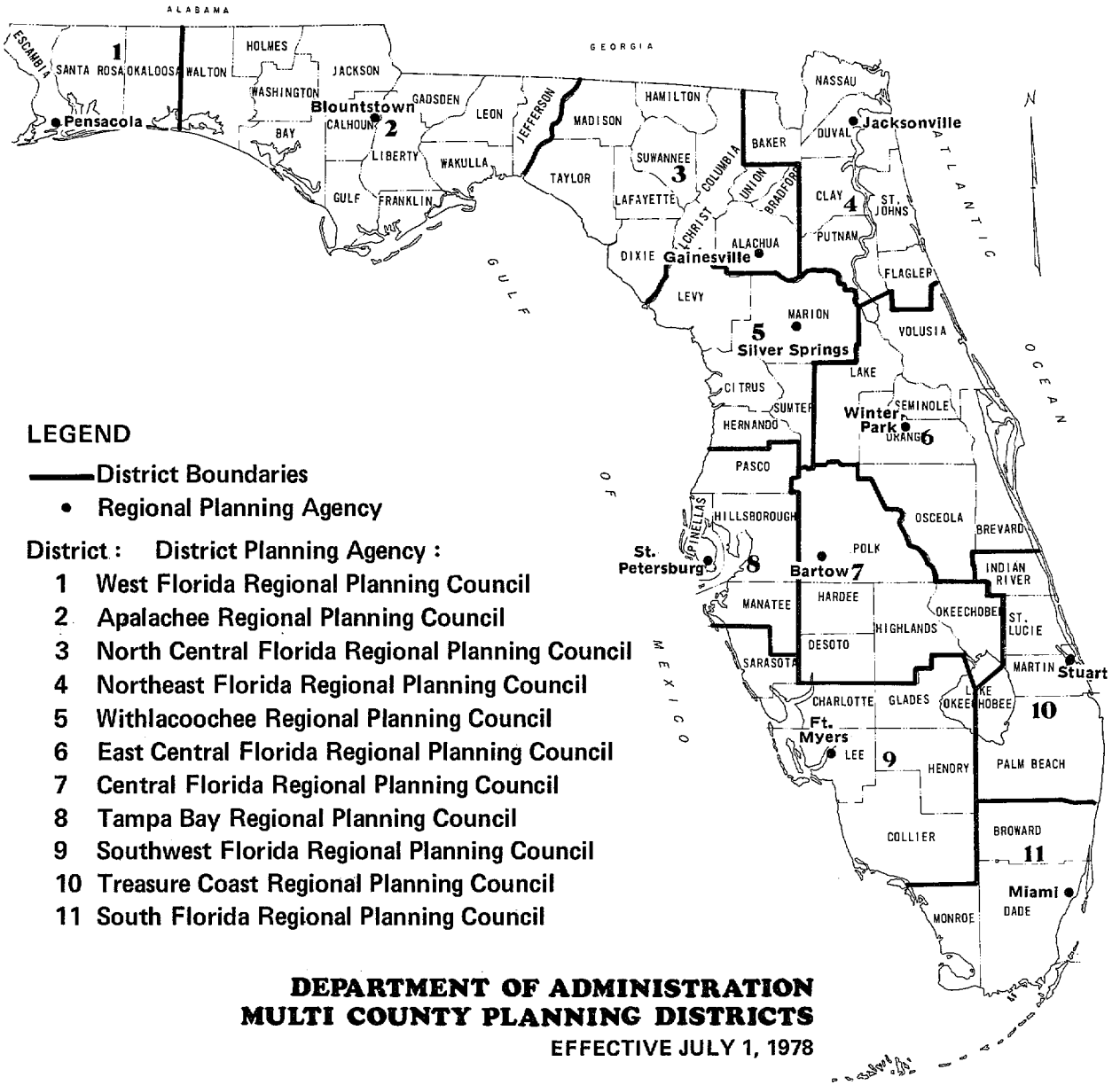
Public Participation (22F-1.12)

Public participation is an integral part of the DRI process. Each agency having statutory or contractual responsibilities relating to that process should encourage public communication and input, and keep the public fully informed about the status and progress of agency actions. These actions include: petitions for binding letters of interpretation; adoption, revision and repeal of rules; receipt of notice of intent to undertake a DRI in an unregulated jurisdiction; receipt of notification of applications filed for development approval for DRIs; and proceedings relevant to DRIs.

[2]These rules are embodied in chapters 22F-1 and 22F-2, Florida Administrative Code.

[3]Earl G. Gallop, "The Florida Environmental Land and Water Management Act of 1972: A Partially Fulfilled Expectation," *Florida Environmental and Urban Issues* VI (November/December 1978): 7.

FIGURE 1: REGIONAL PLANNING COUNCIL BOUNDARIES



LEGEND

——District Boundaries

• Regional Planning Agency

District : District Planning Agency :

1 West Florida Regional Planning Council
2 Apalachee Regional Planning Council
3 North Central Florida Regional Planning Council
4 Northeast Florida Regional Planning Council
5 Withlacoochee Regional Planning Council
6 East Central Florida Regional Planning Council
7 Central Florida Regional Planning Council
8 Tampa Bay Regional Planning Council
9 Southwest Florida Regional Planning Council
10 Treasure Coast Regional Planning Council
11 South Florida Regional Planning Council

DEPARTMENT OF ADMINISTRATION
MULTI COUNTY PLANNING DISTRICTS
EFFECTIVE JULY 1, 1978

source: Department of Administration, Division of State Planning

Administrative Procedure Act (Chapter 120)

As revised by the 1978 legislature, the Administrative Procedure Act (APA) standardizes the rulemaking and adjudicatory procedures of state administrative agencies. Procedures for the issuance of permits and orders (final agency decisions), as well as the adoption of rules, are set forth in the act.

Both a formal and an informal procedure are detailed for rendering decisions which affect substantial interests. Generally hearings are quasi-judicial in nature: a hearing officer is appointed to preside over the hearings, issue subpoenas, administer oaths and take testimony. The hearing officer's recommended order must include findings of fact based exclusively upon evidence of record, conclusions of law and interpretation of administrative rules. (120.57)

Final state agency decisions are subject to judicial review in the appropriate district court of appeal as set forth in the APA (120.68). The court must review the order, or other decision, based on records compiled during the administrative process and determine if the interpretation of the law is accurate, if the action is within the authority delegated to the agency by law and if it is in violation of any law or agency rule. Findings of fact supported by competent and substantial evidence may not be disturbed by the court.

DRI APPLICATION REVIEW PROCESS (Section 380.06(6)-(11))

The following step-by-step procedure includes both the formal requirements under chapter 380 and the administrative code and informal participation procedures established by the Tampa Bay Regional Planning Council (TBRPC).

1. Application for Development Approval

(FORMAL) When a project qualifies as a DRI, the developer must file an application for development approval (ADA) with the appropriate local government and regional planning agency (TBRPC) and with the Florida Division of State Planning (DSP). TBRPC requires the developer to also send copies to the Southwest Florida Water Management District (SWFWMD), the Department of Transportation, the Department of Environmental Regulation, and the Florida Division of Archives, History and Records Management for their review.

If a proposed development is planned for staged development over an extended period of time, the developer may file an application for master development approval of the project and agree to present subsequent increments of the development for preconstruction review. This agreement must be entered into by the developer, the regional planning agency and the appropriate local government. (380.06 (13b)) (22F-1.24, F.A.C.)

The local government may require further review of a previously approved DRI if the developer proposes a change which would result in a "substantial deviation" from the terms of the original development order.[4] Specific criteria for determining the need for further review are provided in the statute. The developer or other substantially affected party must be afforded a reasonable opportunity to present evidence. (380.06 (7g,h))

(INFORMAL) The Division of State Planning publishes a bi-weekly DRI list. TBRPC will provide a complete list and status review of the DRI applications in the region upon request. Interested persons may consult either source for information on DRI projects.

2. Information Review

(FORMAL) After the ADA has been filed, the regional

[4] "Substantial deviation" is defined in the statute as any proposed change which is likely to result in additional adverse regional impact or a previously unreviewed regional impact.

planning council (RPC) begins preparing a report and recommendations on the proposed DRI, based on information submitted by the developer. At this point the TBRPC staff conducts an initial technical review and site inspection. A preliminary review letter is sent to the applicant within the first 15 working days of receipt of the ADA indicating particular issues of regional concern generated by the project and any additional information deemed necessary for final review of the ADA. The agencies reviewing the application (FDOT, Division of Archives, DER, and SWFWMD) are requested to comment within the 15-day review process. Appropriate agency requests for additional information are incorporated into the preliminary review letter. The developer has five working days to indicate in writing to the RPC and local government his intent to submit the additional information requested. (22F-1.20)

(INFORMAL) In an effort to maximize cooperation with the developers, the TBRPC, upon request of the applicant, will set up a preliminary issue meeting during the information review period to provide an opportunity for the early resolution of problems.

3. Notice of Hearing

(FORMAL) Once the regional planning council has given written notice to the local government that adequate information has been received, the local government is required to schedule a public hearing. Notice must be published at least 60 days in advance of the hearing and also sent to DSP and the regional planning council. If the proposed development is within the jurisdiction of more than one local government, the local governments, at the request of the developer, may hold a joint public hearing. (380.06(7f))

(INFORMAL) Where informal procedures do exist (i.e., special letters of invitation, etc.), they vary depending upon which local government is holding the hearing.

4. Preparation of Impact Report

(FORMAL) Within 50 days after receipt of the hearing notice, the regional planning council is required to prepare and submit to the local government a report and recommendations on the regional impact of the proposed development. In preparing the impact report the regional planning council must consider and determine the extent to which the development:

- will impact upon the environmental or natural resources of the region
- will impact upon the economy of the region
- will affect the efficiency of public facilities in the area
- will create an additional demand for or use of energy
- will affect the existing housing market
- will affect the efficiency of public transportation facilities
- will comply with other criteria adopted by the regional planning council pursuant to section 120.54, the APA. (380.06) (8))

(INFORMAL) While the report is being prepared the TBRPC staff welcomes any additional information on the proposed development. The staff conducts meetings as necessary to try and resolve any technical problems. At least ten days prior to the RPC meeting, a draft of the staff report is sent to the council, the developer/owner and any interested agencies who request copies or have supplied comments on the project. Interested persons may request a copy of the staff report.

The TBRPC takes action on the report at its regular meeting on the second Monday of each month. The meetings are open to the public and those interested in participating are afforded a reasonable amount of time

to present oral testimony or to offer written materials. After the council has taken final action on the report, it is submitted to the local government, the developer and any interested agencies. Individuals may request a copy of the final report for use as background information at the local public hearing.

5. Public Hearing

(FORMAL) A public hearing is held after the impact report has been transmitted to the local government. Such local government hearings are usually legislative in nature, which means they are structured to receive individuals' opinions informally. However, the 1977 amendments to chapter 380 have instituted a transition to more formal, quasi-judicial proceedings, bringing the review process under the revised Administrative Procedure Act and mandating that the development order include findings of fact and conclusions of law.

6. Issuance of the Development Order

(FORMAL) Within 30 days after the hearing, the local government is required to issue a development order (D.O.)—a written decision on the proposed development—unless an extension is requested by the developer/owner. The order must be sent to DSP, the regional planning council and the developer/owner. It must include findings of fact and conclusions of law. (380.06(7)(e))

In making this decision—approval, denial, or approval subject to conditions, restrictions or limitations—the local government is required to consider whether and to what extent the development interferes with the objectives of the state land development plan applicable to the area,[5] is consistent with local land use regulations, and is consistent with the regional planning council's impact report and recommendations. (380.06(11)) The local government decides the most appropriate way to address the expected impact of the development: by attaching conditions to the D.O. or through local facility and service planning.[6]

(INFORMAL) Interested persons or groups may request TBRPC or the local government to send them a copy of the development order.

7. The Appellate Process

(FORMAL) Within 45 days after the D.O. is issued, either the property owner, the developer, DSP and/or the regional planning council may appeal the order to the Florida Land and Water Adjudicatory Commission (FLWAC) which consists of the governor and cabinet (the Administration Commission). The filing of an appeal stays the effectiveness of the development order. Prior to issuing an order the FLWAC holds a hearing. Under the provisions of the Administrative Procedure Act, these hearings are formal, quasi-judicial proceedings, with notice of each hearing published in the *Florida Administrative Weekly*.[7]

The FLWAC must issue a decision on the proposed development, to which conditions and/or restrictions may be attached (380.07(4)). Decisions reached by FLWAC are subject to judicial review by the appropriate district court of appeal based on records compiled during the administrative process (120.68).

In 1978 the legislature enacted the private property rights bill (SB 261), incorporating the common law

[5] The state comprehensive plan was adopted by the legislature in 1978.

[6] Gallop, p. 8.

[7] This publication is available at libraries designated as state depositories.

remedy of inverse condemnation into several state statutes. Substantially affected persons may seek review of the FLWAC decision (final state agency decisions) in the appropriate circuit court on the basis of unreasonable exercise of the state's police power constituting a taking without just compensation. Requests for review must be filed within 90 days of the (FLWAC) decision and may include a request for monetary damages and other relief. The prevailing party will be awarded court costs and attorney's fees. (380.085) (78-85)

(INFORMAL) The TBRPC's decision whether or not to appeal the development order to the FLWAC is made at a regularly scheduled council meeting within the 45-day period. Those interested in the DRI may offer their comments at this public meeting.

IF YOU WOULD LIKE TO RECEIVE THE DRI LIST, NOTICE OF MEETINGS, COPIES OF STAFF REPORTS OR DEVELOPMENT ORDERS, OR INFORMATION ON A SPECIFIC DRI, SEE THE CONTACT LIST FOR THE TAMPA BAY REGIONAL PLANNING COUNCIL.

FIGURE 2: THE DRI REVIEW PROCESS

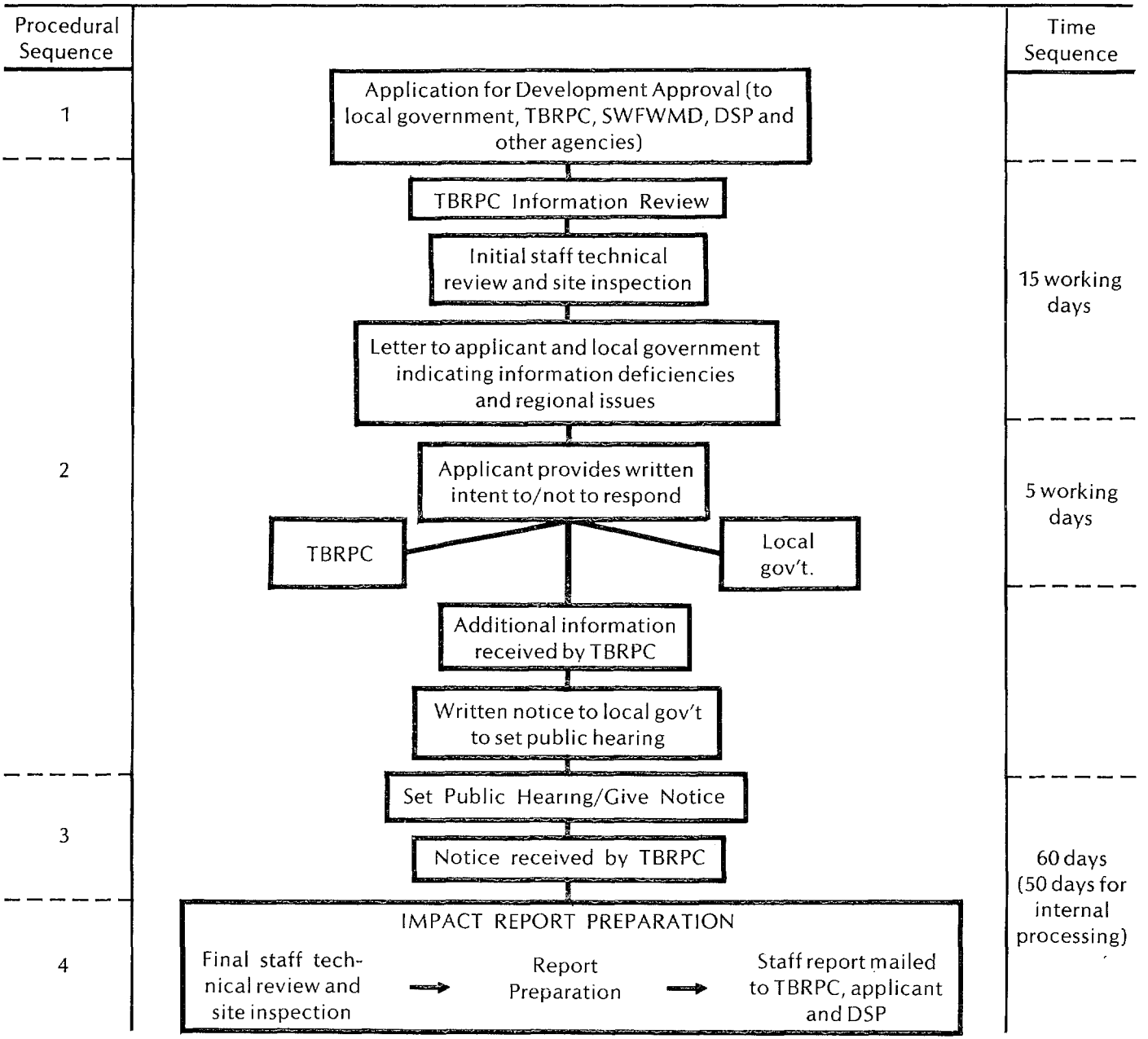
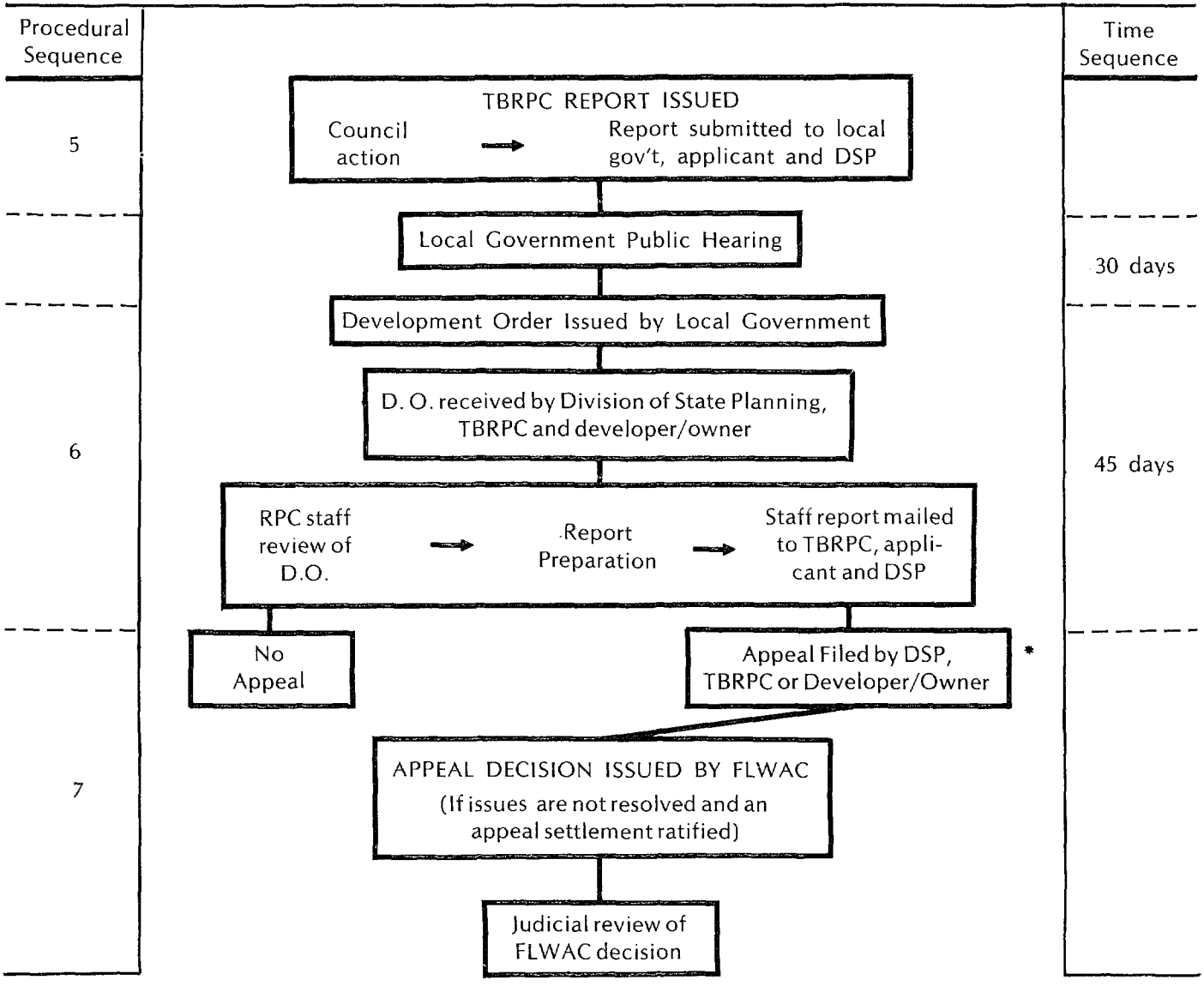


Figure 2 — continued



*The remaining steps are optional

Chapter IV

THE STATE WATER USE PLAN AND THE GENERAL PERMIT PROCESS

From the Florida Water Resources Act of 1972
Chapter 373, Florida Statutes

HIGHLIGHTS OF THE ACT

Introduction

Because the waters of Florida are among its basic resources and because they had not been conserved or fully controlled so as to realize their full beneficial use, the 1972 Florida legislature declared a policy (373.016) to:

1) Manage water and related land resources

2) Promote conservation, development and proper utilization of surface and ground water

3) Develop and regulate dams, *impoundments,* reservoirs, etc. and provide water storage for beneficial purposes

4) Prevent damage from floods, soil erosion and excessive drainage

5) Preserve natural resources, fish and wildlife

6) Promote recreational development, protect public lands and assist in maintaining the navigability of rivers and harbors

7) Otherwise promote the health, safety and general welfare of the people of this state.

The Florida Department of Natural Resources (DNR) was given original authorization for the conservation, protection, management and control of the state's waters. Pursuant to the Environmental Reorganization Act of 1975, authority was transferred to the Department of Environmental Regulation (DER). The act authorized DNR (now DER), to delegate its authority to the governing boards of the water management districts, which now handle these duties.

Scope of the Act (Section 373.023)

All waters in the state are subject to the regulations of the Water Resources Act unless specifically exempted by general or special law.

No state or local agency may enforce any special act, rule, regulation or order affecting the waters in the state which are controlled under the provisions of this act[1] until it has been filed with DER.

Each water management district has the right of *eminent domain.* All other state and local government agencies and private utilities having the power of eminent domain must notify the governing board of the appropriate water management district before exercising that power.

State Water Use Plan (Section 373.036)

The act authorized DER to study: existing water resources in the state; methods for conserving and developing these waters; existing and contemplated

[1] Except with respect to water quality.

needs and uses of water for protection and procreation of fish and wildlife, irrigation, mining, power development, and domestic, municipal and industrial uses; and other related subjects, including drainage, reclamation, floodplain zoning and selection of reservoir sites.

DER is required to cooperate with the Division of State Planning to formulate, as a functional element of a comprehensive state plan, an integrated, coordinated plan for the use and development of the waters of the state, to be known as the state water use plan.

Neither DER nor the water management districts may adopt or modify the state water use plan or any portion thereof without first holding a public hearing.

Creation of Water Management Districts (Section 373.069)

Under the act, every part of the state falls within the boundaries of one of five water management districts, established in recognition of the regional variety in magnitude and complexity of water resource problems.

The four-county Tampa Bay region is encompassed within the Southwest Florida Water Management District (SWFWMD).[2]

As authorized by the act, the district governing board has designated six subdistricts, or basins.[3] Basin boards, composed of representatives of each member county appointed by the governor, meet monthly to conduct water district business at the local level. (373.0693)

Governing Board (Section 373.073)

The governing board of each water management district is composed of nine members who must reside within the district. They are appointed to four-year terms by the governor, subject to senate confirmation.

Declaration of Water Shortage or Emergency (Section 373.246)

The district governing boards are authorized to declare that a water shortage exists within all or part of the district. The boards or the Department of Environmental Regulation must formulate a plan to be implemented during such periods of water shortage. As part of this plan, each governing board or DER must adopt a reasonable system of permit classification based on the source of water supply, method of extraction or diversion, use of water, or a combination thereof. The governing board may impose such restrictions on one or more classes of permits as may be necessary to protect the water resources of the area from serious harm and to restore them to their previous condition.

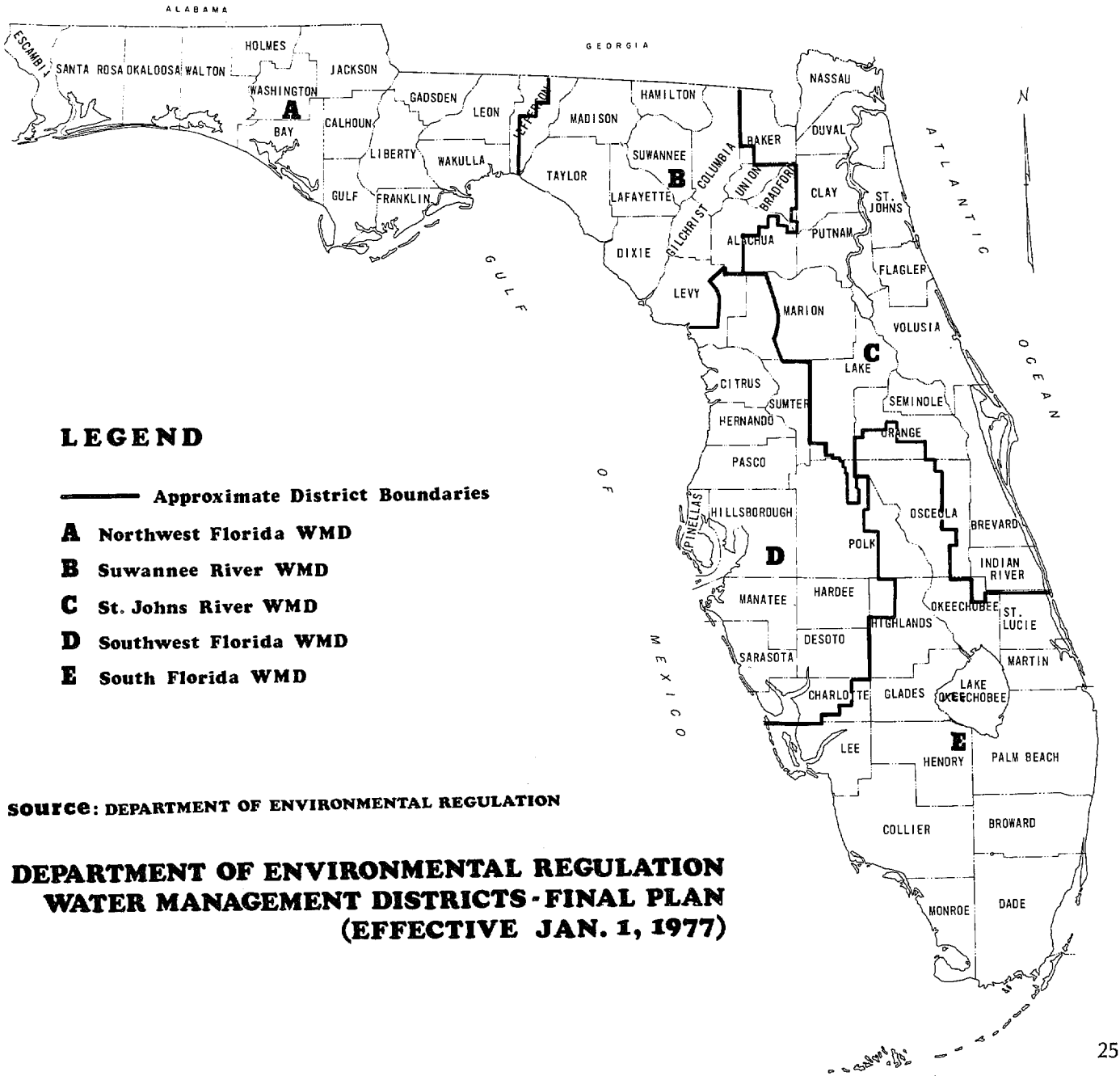
Taxation Power (Section 373.503)

Unless otherwise provided by general or special law, water management districts may, upon approval of their electorates, levy ad valorem taxes. On March 9, 1976, Florida voters approved the water management constitutional amendment enabling the legislature to authorize water management districts to levy up to a one mill tax on property—25 percent for the district-at-large and 75 percent for basin purposes.

[2]Manatee County became part of SWFWMD in January 1977 pursuant to the 1976 amendments to chapter 373.

[3]The basins in this district include Withlacoochee, Coastal Springs, Tampa Bay, Green Swamp, Peace and Manasota.

FIGURE 3: WATER MANAGEMENT DISTRICT BOUNDARIES



LEGEND

——— Approximate District Boundaries

A Northwest Florida WMD

B Suwannee River WMD

C St. Johns River WMD

D Southwest Florida WMD

E South Florida WMD

source: DEPARTMENT OF ENVIRONMENTAL REGULATION

DEPARTMENT OF ENVIRONMENTAL REGULATION
WATER MANAGEMENT DISTRICTS - FINAL PLAN
(EFFECTIVE JAN. 1, 1977)

SWFWMD GENERAL PERMITTING

In accordance with section 373.113, the Southwest Florida Water Management District established regulations to effect the maximum beneficial utilization and conservation of the waters of the district by regulating and controlling the uses of these waters. (16J-0.01)

Permits Required (Chapter 16J)

According to chapter 373, Florida Statutes and chapter 16J, Florida Administrative Code, a permit may be required to:

1) Withdraw water in the district (16J-2.03 & 2.04)

2) Construct, repair or abandon a water well (16J-3.01)

3) Construct, alter, abandon or remove any dam, impoundment, reservoir, *appurtenant work,* or works in the district. (16J-2.11 (10))

4) Connect to, withdraw from, discharge to, place or remove construction within or across or otherwise make use of *works of the district.* (16J-2.05)

The actual need for a permit is determined on the basis of size (volume of water, well diameter, acreage affected) and location criteria.

SWFWMD requires the applicant to determine the lowest quality of water suitable for the use for which application is being made. (16J-2.11 (10))

General Permit Procedure

The following procedure is employed by SWFWMD to process applications for consumptive use permits (CUP). Essentially the same procedure is followed in processing other types of permit applications.

1. Application for Permit

Applications for permits must be filed with the district on the proper forms provided by the governing board accompanied by the appropriate supporting documentation and processing fee.

2. Information Review

The district has 30 days to review each incoming application and request additional information from the applicant (120.60). If the application is not complete, an attempt is made to contact the applicant by telephone (three days) before the application is returned for insufficient information. The applicant is given ten days in which to respond; extensions may be granted if the applicant shows a "good faith effort" to supply the required information.

3. Technical Evaluation

The information on the application is processed by an automated data processing system which evaluates the impact of the request on the total water crop for the affected area, impact on wells in the surrounding area, and other potential effects. Any significant problems or areas of concern are brought to the attention of the applicant for resolution.

4. Notice of Application (16J-2.08)

During the evaluation stage the district publishes notice of the permit application in a newspaper of general circulation—at least once a week for two consecutive weeks prior to the board meeting at which action is expected to be taken. At the same time copies of the notice are sent to substantially affected persons, who are entitled to request a hearing or file written objections with the district. Any person who has filed a written request for notification of pending applications affecting the particular designated area within the previous six months is also sent a copy of the notice. The notice specifies a deadline for filing written objections (at least 14 days after first publication of the notice).

5. Staff Report

Once the technical evaluation has been completed, an internal staff review is conducted to assure consistency and to gather the information needed to prepare the governing board agenda. If objections have been filed, a conference is scheduled between the applicant and the objecting party to discuss and attempt to resolve the objections. The completed staff report is made available to the public.

6. Public Hearings

The board must hold a hearing on permit applications when required by law or when a substantially affected person makes a timely request or at the discretion of the board. The governing board of SWFWMD requires a public hearing on all consumptive use permit applications. Hearings before the board must be quasi-judicial, conducted in accordance with district rules and chapter 120, the APA.[4] While a hearing officer may be appointed, SWFWMD's governing board usually conducts the hearings itself. Those applications to which no objections have been filed are summarized by the staff for presentation to the board and the public. Those applications with filed objections are presented in greater detail noting the results of the conference between the applicant and objector(s) and the method of resolution. Following comments by the public, the staff recommendation is presented.

7. Governing Board Issues the Order

The governing board must make the final determination on the application within 90 days after receipt of the application. Whenever a public hearing is held this 90-day period is extended. In making its determination, the board considers the staff recommendations, public input, the hearing officer's report and written objections to the report. If the permit is denied, the board must state the grounds for denial.

8. Appeals Procedures

Section 373.114 provides for an administrative review of any rule or order of the water management district by the Land and Water Adjudicatory Commission (FLWAC) to insure compliance with chapter 373. A substantially affected party, the governor and cabinet, the secretary of DER, or the Environmental Regulation Commission may file a request for such a review with FLWAC at any time. Such administrative review is not a precondition to seeking judicial review.

Water management decisions, as final state agency actions, are subject to judicial review in the appropriate district court of appeal (120.68) and to circuit court review on the basis of taking without just compensation (373.617 and 78-85).[5]

[4] See p. 16 for a discussion of quasi-judicial hearings.

[5] See p. 16 for a description of judicial review under chapter 120 and p. 18 for more information regarding circuit court review under chapter 78-85.

FIGURE 4: SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT'S GENERAL PERMIT PROCESS

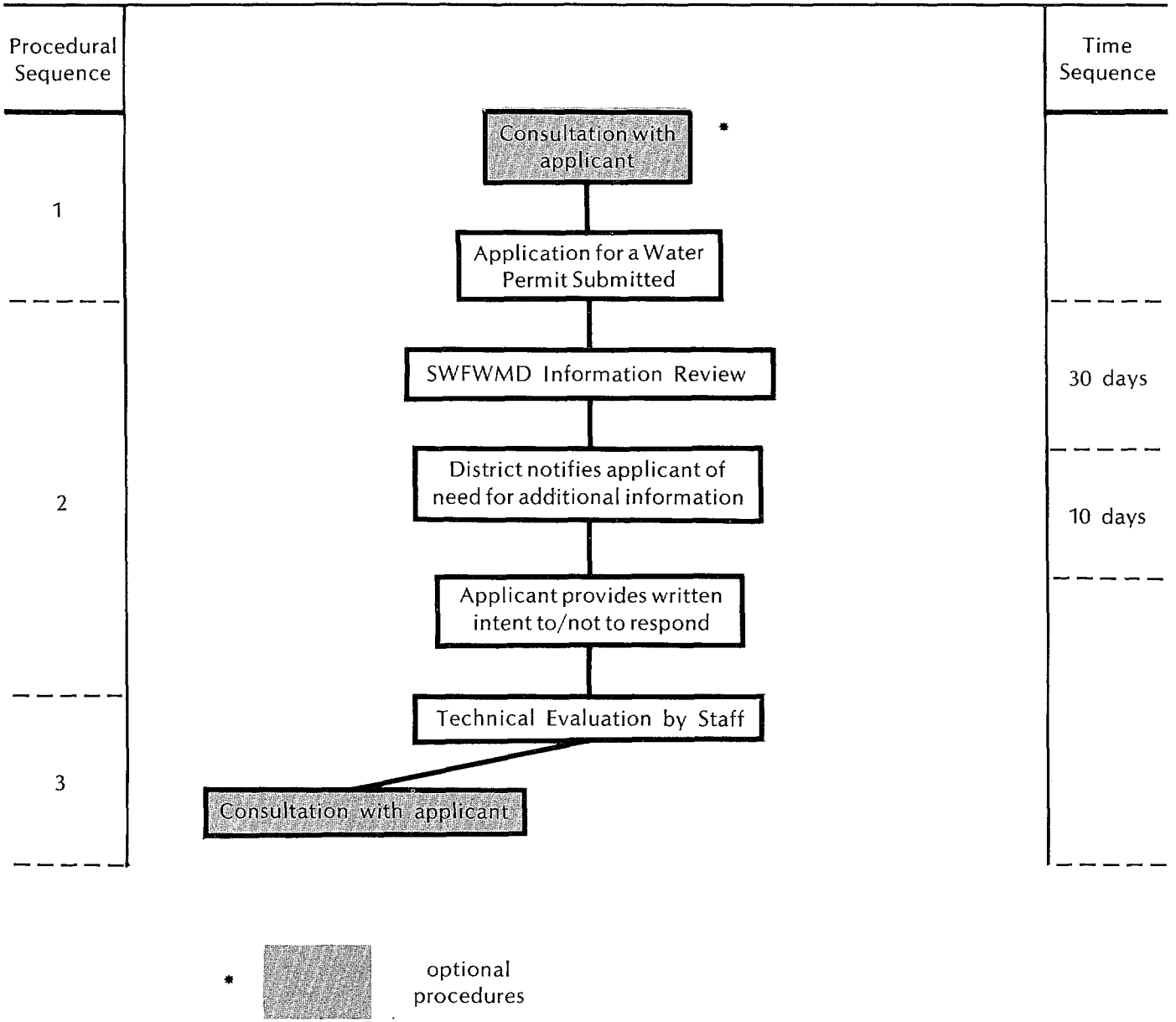
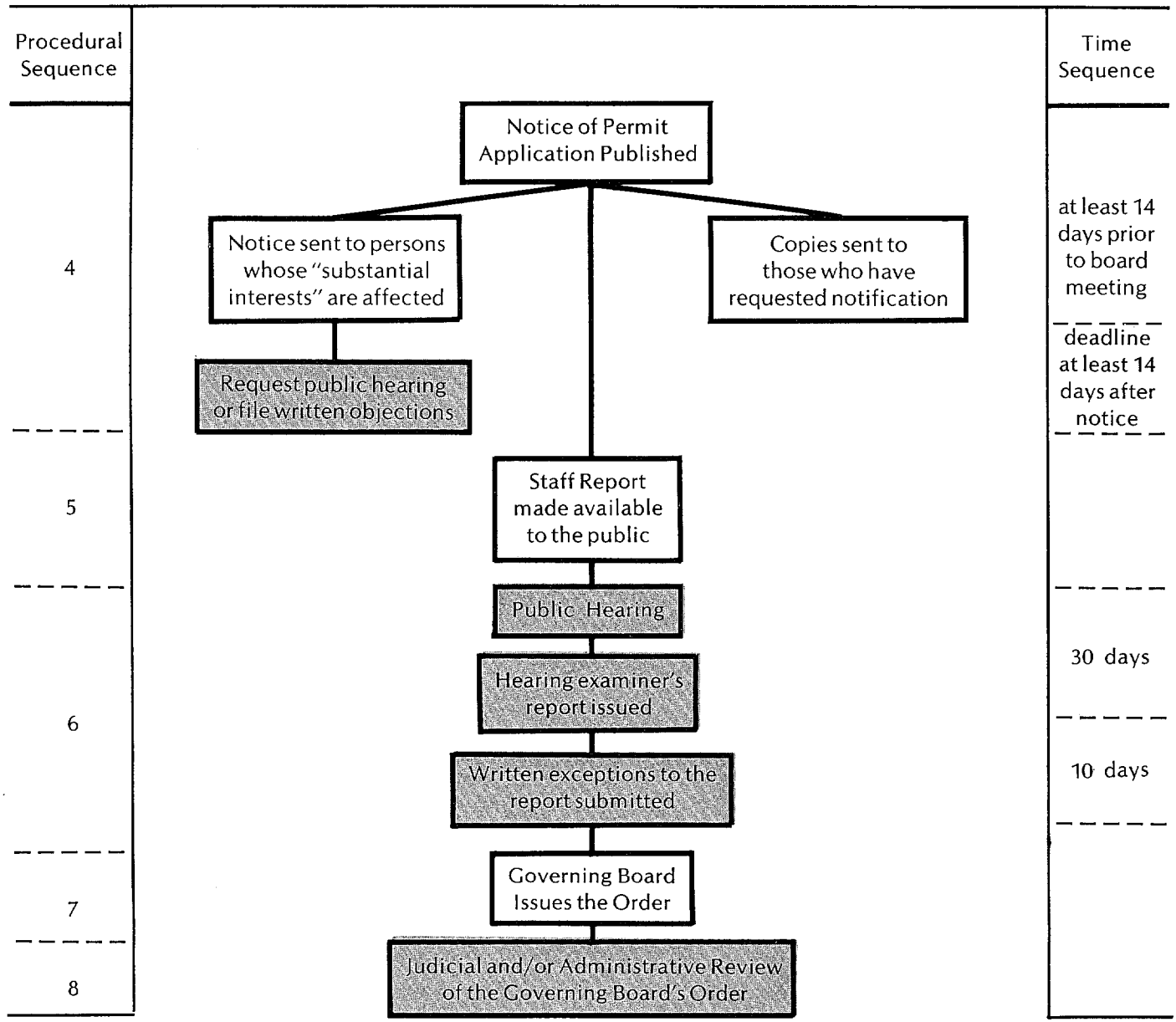


FIGURE 4—continued



SOUTHWEST FLORIDA WATER RESOURCE MANAGEMENT PLAN

Section 373.036 of the Water Resources Act requires the preparation of a state water use plan. The Southwest Florida Water Management District submitted its portion of the state plan to the Department of Environmental Regulation in January of 1978. The plan, entitled *District Water Management Plan—78* (DWMP-78), is the result of five years of research, coordination, planning and review. In preparing the DWMP-78, SWFWMD sought information from the U. S. Department of the Interior, the state Departments of Environmental Regulation and of Natural Resources, the Division of State Planning, water authorities, local governments, planning councils, engineering firms, phosphate interests, the utility industry, citrus interests, newspapers and others. Public hearings were held as required by law.

The DWMP-78 represents the needs, resources and concepts of the district's 16-county area. The six major sections of the plan set forth present and projected water use, water management concepts and tools, a proposed water management program and areas for further study. The proposed water management program consists of 13 planning principles based on the following three objectives:

1) Manage the resource in order to assure water supply for all reasonable human needs in the district

2) Guarantee all areas that their projected water supply needs will be met throughout the planning period

3) Conserve and/or maintain natural systems at an acceptable level of quality.

SWFWMD has developed three types of water supply development plans. The "Basin Alternative" indicates the measures that would be necessary to supply the needs of each basin from resources within that basin. The "Regional Alternative" presents the methods which would be necessary if the regional supplies and demands of several basins were considered in combination. Two "District Alternatives" identify the methods which would be required to meet demands of the district as a whole. These plans are projected to meet water demands of the area to the year 2020.

A public hearing was held in Tallahassee on December 20, 1978 on the proposed State Water Use Plan: Phase I, which consists primarily of the water resource management plans of the water management districts and the water element of the state comprehensive plan. In response to numerous requests, the hearing was continued to January 30, 1979.

IF YOU DESIRE ADDITIONAL GENERAL INFORMATION OR INFORMATION ON THE STATE WATER USE PLAN'S PUBLIC PARTICIPATION PROGRAM, OR WISH TO BE PLACED ON THE PERMIT MAILING LIST, SEE THE CONTACT LIST FOR THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT.

Chapter V

THE COMPREHENSIVE PLANNING PROCESS

From the Local Government Comprehensive Planning Act of 1975, Section 163.3161 et seq., Florida Statutes

MANDATED PLANNING

Introduction

The Local Government Comprehensive Planning Act of 1975 (LGCPA) reflects the Florida legislature's belief that every *local government* should plan comprehensively to protect human, environmental, social, and economic resources and to maintain the character and stability of present and future land use and development in this state through orderly growth and development. The act evolved from the Environmental Land and Water Management Act of 1972, chapter 380, F.S.

Scope of the Act (Section 163.3167)

The LGCPA requires that each unit of local government establish an ongoing planning process and prepare, adopt and implement a comprehensive plan to guide and control future development and growth. Incorporated municipalities, counties and certain special districts have these powers which they may exercise individually or jointly by mutual agreement.

The deadline for adoption of local comprehensive plans is July 1, 1979. If a municipality or special district within a county has not prepared and adopted a comprehensive plan by this date, the comprehensive plan of the county[1] will govern. If a county has not prepared and adopted a comprehensive plan by July 1, 1979, the state land planning agency[2] will prepare a comprehensive plan for the county and for each municipality or special district within that county which has not met the act's requirements. In this instance, the Administration Commission[3] has authority to adopt the plan.

The act authorizes the state land planning agency to grant as many as two one-year extensions beyond the July 1, 1979 deadline upon application by the local government and a show of good faith in meeting the act's requirements.

REQUIRED AND OPTIONAL ELEMENTS OF THE PLAN (Section 163.3177)

General Requirements

In order to achieve the objectives of the act, each local plan must prescribe principles, guidelines and standards for the orderly and balanced future economic, social, physical, environmental and fiscal development of the area; must consist of coordinated

[1] A county has comprehensive planning authority for the unincorporated area within its jurisdiction.

[2] The Division of State Planning (DSP) in the Department of Administration.

[3] The Administration Commission is composed of the governor and cabinet.

and consistent elements; must be economically feasible; must be coordinated with the comprehensive plans of adjacent municipalities and counties or region and with the state comprehensive plan; and must contain policy recommendations for implementation.

Specific Requirements (163.3177(6))

In addition to the general requirements, specific elements to be incorporated into the comprehensive plans include: future land use plan; traffic circulation; general sanitary sewer, solid waste, drainage and potable water; natural resources conservation; recreation and open space; housing; coastal zone protection; intergovernmental coordination; and utilities. Jurisdictions with populations in excess of 50,000 must also include a mass transit element and plans for port and aviation facilities.

Optional Elements (163.3177(7))

In addition to these general and specific requirements, comprehensive plans may include optional elements or phases for mass transit, port and aviation facilities, nonautomotive and pedestrian traffic circulation, off-street parking facilities, public services and facilities, public buildings, recommended community design, area redevelopment, safety, historical and scenic preservation, and commercial and industrial development.

THE PLANNING PROCESS

Public Participation (Section 163.3181)

In order to encourage full and effective public participation in the planning process, the act requires that the local governing body establish procedures for the broad dissemination of proposals and alternatives, written comment, public hearings prior to adoption, open discussion, communications programs, information services, and consideration of and response to public comments.

Designation of the Local Planning Agency (Section 163.3174)

Each local government unit, individually or in combination, was required to inform the Division of State Planning and the appropriate regional planning agency by July 1, 1976 of its designation of a local planning agency. This agency is responsible for preparing the comprehensive plan, making recommendations to the *governing body* regarding its adoption, monitoring the effectiveness and status of the plan, and recommending changes in the plan.

Adoption of the Plan or Element (Section 163.3184)

At least 60 days prior to adoption of a comprehensive plan or element, the local governing body must submit copies of the proposal to the Division of State Planning (DSP)[4] and the appropriate regional planning agency,[5] as well as to the local planning agency of the county if it is a municipal or special district plan, and to any local government which has filed a request. DSP circulates the plan to the appropriate state agencies for review.

Within 60 days these local, regional and state agencies are required to submit written comments on

[4]DSP will promptly publish notice of the intended adoption and the date, time and place of the public hearing in its weekly "DRI List."

[5]See p. 14 and 15 for a description and map of regional planning councils.

the proposed comprehensive plan or element to the local governing body. Each agency examines primarily the relationship and effect of the locally submitted plan or element to, or on, its comprehensive plan or responsibilities. They must specify any objections and may make recommendations for modifications.

If the agencies have raised objections, the local governing body must submit a written reply within four weeks. The governing body can take no action to adopt the comprehensive plan or element until two weeks after the transmittal of the governing body's letter of reply.

The governing body must consider, but is not bound by, comments received from any person, agency or government. It may adopt, or adopt with changes or amendments, the proposed comprehensive plan or element despite any adverse comments received.[6] Upon adoption the governing body is required to transmit a copy of the approved plan or element to those governmental agencies which reviewed the proposal.

Amendment of an Adopted Comprehensive Plan (Section 163.3187)

The procedure for amendment of an adopted comprehensive plan or element is identical to the procedure used for the original adoption.

Evaluation and Appraisal of the Comprehensive Plan (Section 163.3191)

Since the planning program must be a continuous and ongoing process, the act requires local planning agencies to prepare periodic reports on the comprehensive plan for the governing body at least once every five years after the original adoption. The report must assess and evaluate the success or failure of the plan or element. More specifically, the report must address: the major problems and social and economic effects of land uses; changes in the elements since adoption; objectives as compared with actual results; and the occurrence of unanticipated and unforeseen problems and opportunities since adoption. The report may also suggest changes, including reformulated objectives, policies, and standards.

The report must be transmitted to the Division of State Planning, the regional planning agency and, for municipalities, to the county planning agency. Action on the report is identical to the amendment process and adoption of the report amends the comprehensive plan or element to the extent specified in the report.

Legal Status of the Comprehensive Plan (Section 163.3194)

Once adopted, a comprehensive plan or element is legally binding on future growth and development. All development, land development regulations and governmental actions taken in regard to development orders pertaining to affected land must be consistent with the adopted plan or element. When a court reviews such local government action or development regulations, it may consider the relationship of the comprehensive plan or element to the action taken. The act restates the principle that the plan must not cause private property to be taken without due process of law and just compensation.

Implementation of the Plan[7]

The act states that each element of the comprehensive plan must contain general or specific

[6] Adoption by not less than a majority of the total membership of the governing body. Adoption of a future-land-use-plan element requires notice to property owners and a public hearing (if less than 5 percent of the jurisdiction's total land area is involved) or two advertised evening public hearings prior to the vote. (163.3184(7))

[7] Much of the substance for the following discussion has been taken from the Department of Community Affairs, *A Local Officials' Guide to the Local Government Comprehensive Planning Act,* (September 1976).

implementation policy recommendations as an integral part of the plan's elements.

Some commonly used techniques for plan implementation include land development regulations (zoning, subdivision regulations, rehabilitation standards, building codes, etc.), public expenditures, intergovernmental coordination and public support.

Summary

The Local Government Comprehensive Planning Act provides local officials with a mechanism for managing future growth in order to encourage the most appropriate use of resources, avoid overcrowding and assure efficient service delivery, address problems stemming from land use and development, and promote the health and welfare of residents. It requires all jurisdictions to develop a planning process which results in land use decisions that are compatible with the goals established by local governments and their citizens.

An effective planning process will help to ensure orderly development, a quality environment and properly balanced growth for all Florida communities during the coming years.

THE LOCAL COMPREHENSIVE PLANNING PROCESS

Hillsborough County

In 1975 the Florida legislature passed the "Hillsborough County Local Government Comprehensive Planning Act," commonly referred to as the "Little ELMS" Act. Patterned after the LGCPA, the act required all local governments in Hillsborough County to adopt a comprehensive plan by December 1, 1977. On October 1, 1975, the Hillsborough County Planning Commission was designated the local planning agency responsible for preparing comprehensive plans for Hillsborough County and each of its three municipalities.

Over the next two years the planning staff worked closely with the planning commissioners, local citizen advisory committees appointed by each governing body, and interested citizens in formulating the plans. A series of public hearings was held in various locations throughout the county between November 1975 and August 1977. The planning commission adopted the plans in August 1977.

After receiving the plans from the planning commission, each governing body, with the assistance of its administrative staff and the planning commission staff, reviewed and revised them. They then held public hearings and made additional changes before finally adopting the comprehensive plan.

In November the final plan was presented to the Hillsborough County Board of Commissioners. By December 1, 1977 Tampa, Temple Terrace, Plant City, and Hillsborough County had adopted the comprehensive plans, known collectively as "Horizon 2000" since they chart the future of the entire county to the year 2000.

Beginning in early 1978, in coordination with the local government administrative staffs, the Hillsborough County Planning Commission initiated a work program to implement the newly adopted comprehensive plans. The first priority was to initiate a two-year sector planning program: the county was divided into eleven subareas called "sectors" for which smaller-scale, more detailed comprehensive plans are to be developed. In the city of Tampa the plans will be developed at an even more detailed subsector level. An important objective of this effort is to provide a basis for timing growth by tying a program of staged land use development to adopted capital improvement programs. Once these plans are completed, zoning will be revised accordingly.[8]

[8]Robert A. Catlin, "Comprehensive Planning in Hillsborough County," *Florida Environmental and Urban Issues* VI (November/December 1978): 1, 5.

As part of its continuing planning process and in accordance with the requirements of the LGCPA, the city of Tampa has scheduled a major update of its comprehensive plan. The primary purpose of the update is to prepare and adopt additional elements, such as public safety, and to develop the initial elements in greater detail to facilitate capital improvements programming and fiscal impact analysis (the economic implications). The update should be completed by July 1979. Goals and policies set forth in the plan call for the equitable distribution of services, provision of public services in a coordinated and fiscally realistic manner, responsive government and citizen participation throughout the planning and implementation processes.

Manatee County

In 1974 the Manatee County Comprehensive Plan was accepted by the board of county commissioners. While this plan established an ongoing planning process in the county, it did not meet the requirements of the Local Government Comprehensive Planning Act.

Late in 1977, the Manatee County Department of Planning and Development, the designated local planning agency, initiated an innovative community involvement process to significantly update and revise the existing growth plan and the county zoning ordinance to meet the requirements of the LGCPA. This program has involved public officials, community and business leaders, as well as neighborhood residents, in a series of steering committee "workshops" to develop an overview of how the county should develop.

The final product, termed "A Management System for Manatee County," was expected by February 1979. It will combine plan elements, a capital improvements program, and development regulations in a total framework for guiding officials in land use decision-making.

Pasco County

The Planning Division of the Pasco County Development and Code Enforcement Department is currently preparing a comprehensive plan which will include the eleven elements specified in the LGCPA. This comprehensive plan will have the status of law and will serve as a guide for future development. Drafts of the first five elements will be completed by March 30, 1979. The entire plan should be finished by mid-1980.

Pinellas County

The Pinellas County Planning Council is the designated local planning agency responsible for preparing the comprehensive plan for the county, which encompasses twenty-four incorporated municipalities and a widely-scattered unincorporated area. The council, which has been active for thirteen years, acts as a coordinating agent in the comprehensive planning process.

The countywide comprehensive land use plan adopted by the county in March 1974, having the full force and effect of law, is being used as the foundation for the General Plan. The General Plan will consist of seventeen elements including intergovernmental coordination. Since the land use, conservation/coastal zone management, recreation and open space, and transportation elements of the General Plan will not be detailed enough to guide local growth and development and meet LGCPA requirements, the local governments are preparing more detailed versions using these four "core" elements as a policy framework. Local governments may prepare additional elements, all of which must be consistent with countywide policies. Municipalities are employing in-house staff, consultants, or the Pinellas County Planning Council staff in preparing these elements. Local citizen advisory committees meet upon request to review findings and make recommendations. Each locally prepared

element is submitted to the planning council for LPA review and to determine consistency with countywide policies. The element is then amended to reflect the council's recommendations.

The planning council takes action on a proposed element at a regularly scheduled meeting. The council usually recommends that elements be sent to regional and state agencies for their review. Public hearings are held by the planning council in accordance with the LGCPA and appropriate special legislation. Public hearings are also held at the local level on elements prepared by municipalities. Once completed and approved, all elements will be incorporated into the comprehensive plan for the county.

FOR ADDITIONAL INFORMATION ON THE STATUS OF COMPREHENSIVE PLANNING IN YOUR COUNTY, SEE THE CONTACT LIST FOR THE APPROPRIATE COUNTY PLANNING AGENCY.

FIGURE 5: THE COMPREHENSIVE PLANNING PROCESS

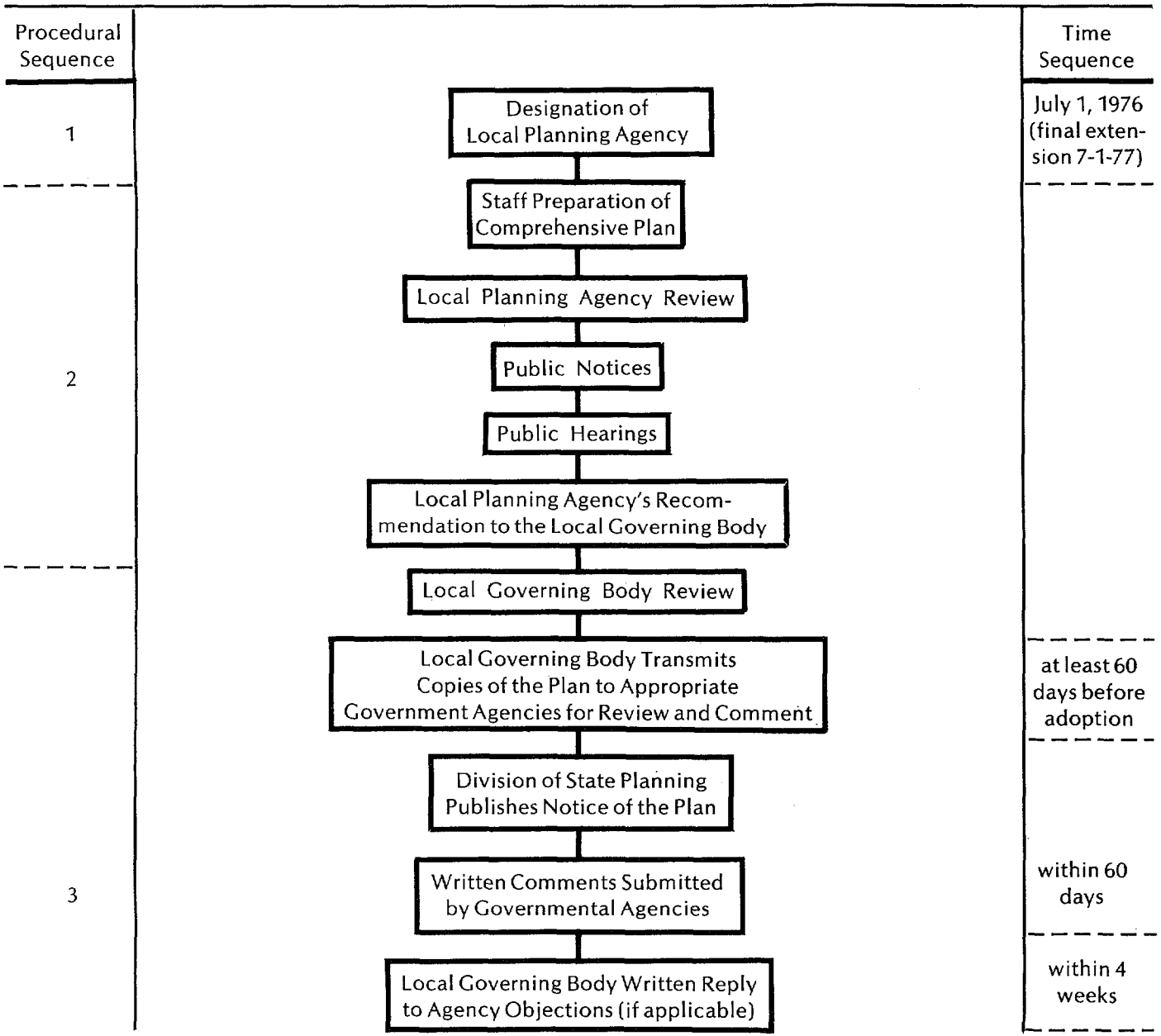
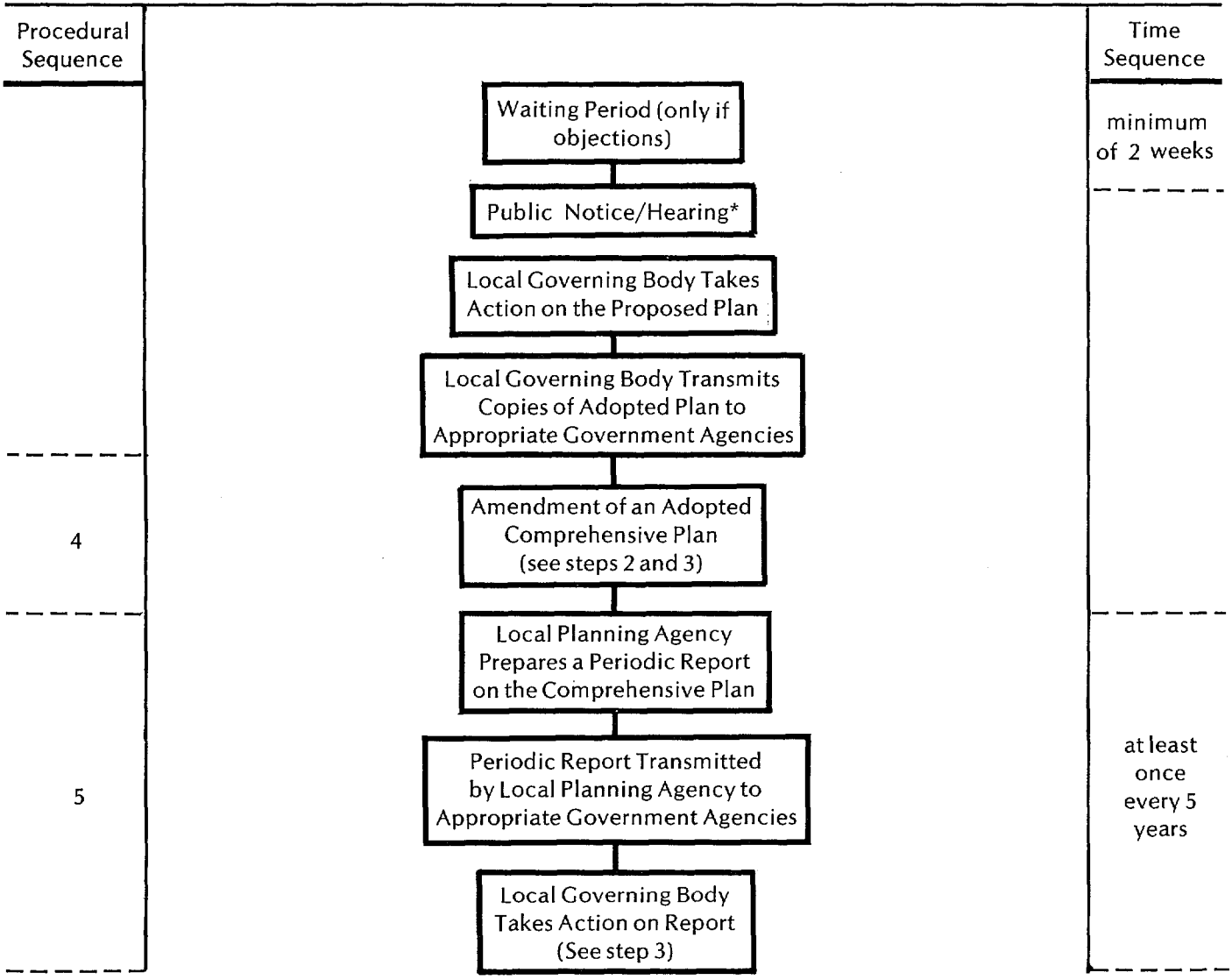


FIGURE 5—continued



*Type of notice and public hearing(s) depend on size of affected area for adoption or amendment of future-land-use-plan element.

part iii federal legislation

Chapter VI

THE COASTAL ZONE MANAGEMENT PROGRAM

From the Coastal Zone Management Act of 1972, 16 U.S.C. 1451 et seq.

A NATIONAL POLICY

Introduction

The Coastal Zone Management Act of 1972 (CZMA) establishes as national policy the effective protection, management, development and use of land and water resources in the coastal zone. The act and subsequent amendments commit the federal government to assist the states in the development of programs to manage their coastal resources and to foster cooperation among local, regional and state agencies in the development of coastal zone management programs.

Responsibility for the act is assigned to the secretary of commerce, who, in turn, has delegated the actual implementation authority to the Office of Coastal Zone Management (OCZM) within the National Oceanic and Atmospheric Administration (NOAA).

Federal Financial Aid

Financial aid for state CZM programs is available through several federal grant programs—program development grants, administrative grants, grants for estuarine sanctuaries,[1] interstate coordination grants, and research and training grants. Application for federal grants is made annually and grants are awarded on a yearly basis. The 1976 amendments to the act increased federal funding from 66 to 80 percent for planning and implementation. Allocations from these grant programs are dependent upon various ecological and population factors including the length of the shoreline and the number of people living on or near the coast.

Federal Consistency Provision (Section 307)

A special incentive for coastal states' participation is the law's federal consistency provision. Throughout the process of program development, each federal agency with interests in the coastal zone has the opportunity to consult with the state agency which is developing the management program. Once the plan is approved, activities of federal agencies in the coastal zone must be consistent with the approved state management plan to the maximum extent practical.[2] However, when the interests of national security dictate, federal licenses and permits can be granted, after ample opportunity for state and federal comment, for land and water use activities which are not consistent with the state program.

State programs must establish procedures for resolving national interest conflicts generated by certain types of facilities. In the case of serious

[1] The 1976 amendments (P.L. 94-370) authorize grants to states to acquire lands to provide for access to beaches and public coastal areas and for the preservation of islands. Grants for estuarine sanctuaries are awarded for research and education purposes as well as for conservation. (section 315)

[2] The 1976 amendments require that any outer continental shelf activity described in exploration, development or production plans be certified as consistent with the approved state coastal management program.

disagreements between a state and federal agency regarding implementation of an approved plan, provision is made for mediation by the secretary of commerce with local public hearings required as part of the process.

Public Participation (Section 311)

Public participation is not only required but is an integral part of the development of a state's management program. Public hearings, with at least 30 days' prior notice, must be held at least once during the developmental stage in the geographic areas primarily affected. All relevant agency data must be made available for public review in the locale where the hearings are conducted, and a comprehensive summary of the hearing conclusion must be made available to the public within thirty days after the hearing. (section 311)

Other means suggested by the law for stimulating public involvement include citizen advisory committees (section 314), mechanisms for involving citizens in the development of the plan's goals and objectives, and provisions for review of the elements of the state plan by citizen groups and the general public.

DEVELOPMENT OF A COASTAL ZONE MANAGEMENT PROGRAM

Program Development (Section 305)

In applying for first-year development grants, states were required to provide a detailed summary of previous and current coastal zone activities, a ranking of major coastal-related problems and issues with an identification of goals and objectives of the management program, and the governor's designation of a lead agency to manage the program. A detailed work schedule, public participation methods, proposals for intergovernmental cooperation and approximate coastal zone boundaries were also required. After the completion of the first-year grant, the state must submit updated work programs to demonstrate satisfactory progress in the development of the plan in order to qualify for subsequent planning grants. The 1976 amendments extended the deadline for program development grants to September 30, 1979 and added a fourth year of eligibility for these grants. The amendments also authorize grants for initial implementation of programs not yet awarded section 306 approval.

Program Administration (Section 306)

In order to qualify for section 306 grants, the completed state program must be submitted to NOAA and the secretary of commerce for evaluation and approval. Before an administrative grant can be awarded, the state's CZM program must identify *coastal zone boundaries;* designate *areas of particular concern;* provide guidelines on *priority of uses;* define permissible land and water uses and identify means of *state control* over them; describe the organizational structure for implementation; and define a planning process for beach and public coastal area access and protection, energy facilities siting and the impact of shoreline erosion. [3] Other important approval criteria include the consideration given the siting of facilities of greater than local concern; provisions for designating *areas for preservation* or restoration; mechanisms for continuous consultation and coordination with local governments and with interstate, regional and areawide agencies;[4] and public participation in the development of the program.

[3] This last set of planning requirements was added by the 1976 amendments to the CZMA.

[4] The 1976 amendments require the state CZM agency to notify a local government of any decision in conflict with local zoning actions and to allow a 30-day comment period.

In order to qualify for these implementation grants, a state must also demonstrate that it is organized to and possesses the authorities necessary to implement the program. The program must provide techniques for controlling coastal land and water uses: state-adopted criteria for local implementation, direct state land and water use regulations, or a process for state review of all development plans, projects or regulations for consistency with the state coastal zone management plan.

Coastal Energy Impact Program (Section 308)

The 1976 amendments to the CZM Act authorized a $1.2 billion ten-year program to assist coastal states and local communities impacted by new or expanded coastal-dependent energy activities.

The program consists of two interlocking types of assistance: The Coastal Energy Impact Fund and formula grants. The Fund is a revolving account which includes loans, bond guarantees and grants to assist states with the financing of new or improved public facilities and services required as a result of coastal energy activities; planning for the economic, social and environmental consequences of new or expanded coastal energy facilities; and protection or restoration of coastal environmental and recreational resources for which other funds are unavailable.

The formula grants are available to states adjacent to or directly affected by outer continental shelf (OCS) energy activities—primarily for protecting or restoring damaged or threatened environmental resources, but also for retiring bonds guaranteed by the Fund and for supplementing Fund financing of public facilities and services.

Eligibility for CEIP aid is dependent upon section 306 approval of the state's coastal management program or demonstration of satisfactory progress toward development of such a program.

FLORIDA'S COASTAL ZONE MANAGEMENT PROGRAM

Early Planning Activities

Florida has 11,000 miles of coastal shoreline, 77 percent of which is privately owned. Seventy-five percent of the state's population lives in coastal areas.[5]

Florida has been involved in coastal zone planning since 1970. Recognizing the magnitude and complicated nature of coastal zone problems, the 1970 legislature created the Coastal Coordinating Council (CCC). The council was primarily charged with developing a comprehensive state plan for the protection and development of the coastal zone; organizing and conducting a continuous program of coastal zone research; coordinating coastal zone activities among the various levels of government and geographical areas of the state; and providing an informational clearinghouse on coastal matters.

In 1972 the CCC published the *Florida Coastal Zone Management Atlas* which explained the classification approach being used to develop Florida's CZM program and illustrated the approach by means of a general county-by-county map of the coastal zone.[6]

Section 305 Planning Activities

Preliminary Efforts

Florida became involved in the federal coastal zone program in July 1974 when the state received its first-year planning grant under section 305. The CCC

[5] *Legislative Report,* March 1978.

[6] Three major categories of land and water use were designated on the basis of numerous biological, ecological and land use factors: preservation (no further modification), conservation (controlled modification), and development (few, if any state controls). (Office of Coastal Zone Management, *State Coastal Zone Management Activities 1975-1976,* p. 2.)

was designated as the lead agency for this planning phase. First-year responsibilities of the CCC included the expansion of data collection efforts and the initiation of a region-based public information program. In order to maximize local participation in the planning process and to assure consistency with local plans and goals, the CCC contracted with the coastal regional planning councils to represent their local governments in the collection of regional data and in the establishment of citizen advisory committees.[7] These regional advisory committees have provided the major vehicle to date for active public involvement in CZM activities. Each coastal regional planning council was asked to develop, with assistance from the citizen committees, a series of regional goals and objectives relating to coastal zone management.

It was at this point that the Tampa Bay Regional Planning Council and its staff became actively involved in the CZM planning program. The TBRPC's efforts have been centered on data collection, policy development, and local/regional coordination and information dissemination.

During the first year an extensive data collection effort was undertaken, and maps and accompanying reports were prepared for the Tampa Bay region, culminating in the *Region 8 CZM Atlas*. Citizen (CAC) and Technical Advisory Committees (TAC) were established in 1974 and were coordinated by the TBRPC. The TAC—representatives from local planning agencies, port authorities, soil and water conservation districts, the water management district and county pollution control agencies—provided technical expertise to the CAC in identifying coastal zone problems and related issues, and in developing policy recommendations for alleviating these problems.

Regional Policy Development

The Environmental Reorganization Act of 1975 resulted in the abolishment of the CCC and the assumption of its powers and duties by the Bureau of Coastal Zone Planning (BCZP) within the Department of Natural Resources (DNR). At the same time the state began its second-year work program. This program was essentially a continuation and expansion of first-year tasks.

During this second year of planning, regional coastal zone policies, developed through coordinated efforts of the CAC and TAC, were adopted by the Tampa Bay Regional Planning Council. The council subcontracted with county planning agencies to identify geographic areas of particular concern and to recommend coastal zone policies for each county in the region.

In the fall of 1976, regional policy statements were forwarded to the BCZP to be considered for inclusion in state planning policies. During this third year of planning the TBRPC's major role was the provision of local/regional coordination through the continuation of the Regional Citizen and Technical Advisory Committees, the provision of technical assistance to local governments in the preparation of coastal zone elements of local comprehensive plans, and the dissemination of information to the public on coastal zone management. Copies of the CZM atlas were distributed, and council staff reviewed state-produced technical documents concerning the coastal zone.

State Program Draft

In October 1976, Governor Askew appointed the Task Force on Coastal Zone Management and charged it with developing an organizational arrangement to properly implement the coastal zone program in Florida. In April 1977 the task force issued its recommendations in draft

[7] These committees were to include, at a minimum, representatives of the following interests: commercial/sport fishing; tourism and motel/hotel interests; construction/home building; conservation organizations; science and education; industry, business and commerce; city and county governments; and the general public. (State of Florida, Department of Natural Resources, Division of Resource Management, Bureau of Coastal Zone Planning, "Status Report to the Governor and Cabinet," January 1977, p. 7)

bill form which included transfer of the Bureau of Coastal Zone Planning to the Department of Environmental Regulation (DER), designation of DER as the section 306 lead agency, implementation of the coastal zone program locally through local land use and service decisions based on home rule, and the continuation of effective citizen participation as an integral part of the coastal zone program. In June the legislature enacted SB 589 which was based on the task force's recommendations.

The BCZP expanded its public participation program to ensure all citizens of the state a reasonable opportunity to express their opinions on the proposed CZM program. Public workshop meetings were held during the winter of 1977-78 in each coastal county and in each coastal region. The Tampa Bay Regional Planning Council assisted in setting up the regional public workshop and actively sought public involvement in the program. The council distributed copies of the *Florida Coastal Management Program—Workshop Draft* to local governments, planners, members of the Citizen and Technical Advisory Committees and interested citizens for review.

Legislative Action

SB 589 had mandated that the secretary of DER submit a proposed state coastal plan and implementing legislation to the legislature at least 30 days before the 1978 session. An Interagency Advisory Committee on Coastal Zone Management, the regional planning councils and numerous citizen advisory groups worked with the Bureau of Coastal Zone Planning in developing the *Florida Coastal Management Program—Legislative Draft* which was presented to the legislature prior to the regular session. On April 3, 1978 Governor Askew submitted a management bill to the legislature which was developed from this legislative draft. Relying upon existing authorities, the bill did not provide for full implementation of the program described in the draft.[8]

[8]"Bureau of Coastal Zone Planning News," May 1978.

During a two-day special session, the legislature passed the Florida Coastal Management Act of 1978 (380.21-380.25). The act designated DER as the lead agency and directed it to submit a program based on existing state law to the Office of Coastal Zone Management for section 306 funds. DER was also authorized to establish advisory councils; coordinate coastal resource data; provide financial, technical and legal assistance; review agency rules for consistency; and adopt a formula for the allocation of federal administrative funds. No new regulatory authority was created by the act. Local government participation in the management program is voluntary.

Current Activities

Florida received its final, fourth-year program development grant effective September 1, 1978. Funding will continue through August 31, 1979. More than half of the grant money is to be allocated to regional planning councils, water management districts and municipalities for technical assistance, public information and special projects.[9]

After the close of the legislative session the BCZP began compiling a program based on existing regulatory authority. As directed by the legislature, vital, conservation and development areas were not designated. An informal "threshold draft" of the program was sent to the federal Office of Coastal Zone Management in October for comment. The bureau sought guidelines for developing an approvable CZM program. In late December copies were distributed to those prominently involved in reviewing the 1978 legislative draft, including local governments, CAC members, state and federal agencies, and those individuals requesting a copy. The bureau accepted comments through January 1979. These recommendations along with OCZM's comments will aid

[9]Interview with BCZP chief Dr. Edward LaRoe reported in "Environmental Regulation News," DER, October 1978.

BCZP in preparing the preliminary draft. If OCZM determines that existing state legislation and regulations do not provide enough authority to meet minimum federal requirements, the department will seek additional legislation. If no new legislation is required, BCZP expects to have a draft program available for statewide distribution and review by early spring of 1979. An environmental impact statement must be filed and public hearings will be held prior to submission of the program to OCZM for official approval and section 306 funding.

Because of a sharp reduction in state financial support, TBRPC's participation in future coastal zone program activities will consist of a set of core tasks and possibly a special regional project. The core tasks include technical assistance to local governments in the preparation of their local comprehensive plans, continuation of the citizen advisory committee, and regional policy formulation. As a special regional project, TBRPC is considering preparing issue papers on areas of key importance to the coastal zone in the Tampa Bay region.

FOR ADDITIONAL INFORMATION ON COASTAL ZONE MANAGEMENT ACTIVITIES IN THE TAMPA BAY AREA AND THE STATUS OF THE STATE COASTAL ZONE MANAGEMENT PLAN, SEE THE CONTACT LIST, SPECIFICALLY THE TAMPA BAY REGIONAL PLANNING COUNCIL AND THE DEPARTMENT OF ENVIRONMENTAL REGULATION.

FIGURE 6

CHRONOLOGY OF KEY EVENTS RELATING TO COASTAL MANAGEMENT IN THE TAMPA BAY REGION

Date	KEY EVENTS	
	State	Local
July 1970	The legislature creates the Coastal Coordinating Council (CCC).	
Dec. 1972	The CCC publishes *The Florida Coastal Zone Management Atlas.*	TBRPC, under contract with the CCC, produces *Tampa Bay Region Preliminary Environmental Assessment of Developments.*
July 1974	Florida receives its first-year grant under section 305 of the federal act.	
Oct. 1974 - March 1975	CCC, through the Division of State Planning (DSP), contracts with the coastal regional planning councils.	TBRPC signs its first-year contract with DSP for coastal zone planning responsibilities.
Oct. 1974 - Sept. 1975		Citizen and Technical Advisory Committees on CZM established. TBRPC engages in extensive data collection, mapping and report preparation.
July 1975	The CCC is abolished and its powers and duties are assumed by the Bureau of Coastal Zone Planning (BCZP) within the Department of Natural Resources (DNR). Florida receives its second-year grant under section 305 of the act.	

FIGURE 6—continued

Date	KEY EVENTS	
	State	Local
Sept. 1975		*Region 8 CZM Atlas* published.
Oct. 1975		TBRPC signs its second-year contract with DNR.
Oct. 1975-Sept. 1976		Regional coastal zone policies developed by CAC and TAC are adopted by TBRPC. Geographic areas of particular concern (GAPC's) designated on county-by-county basis.
Oct. 1976	Florida receives its third-year grant under section 305 of the act. The governor appoints the Task Force on Coastal Zone Management (CZM).	TBRPC signs its third-year contract with DNR.
Oct. 1976-Sept. 1977		TBRPC assists local governments with coastal zone elements; distributes atlases and other CZM information to public.
April 1977	The governor's task force issues its recommendations on CZM, suggesting that the Department of Environmental Regulation (DER) be the lead agency for the plan's implementation. The governor designates DER as the lead agency for implementation under section 306 of the act.	

FIGURE 6—continued

Date	KEY EVENTS	
	State	Local
June 1977	The legislature enacts and the governor signs into law SB 589.	
Oct. 1977		TBRPC signs contract with DER, an extension of the third-year planning program.
Nov. 1977	DER releases the *Florida Coastal Management Program—Workshop Draft*	
Dec. 1977	Regional public workshops held on proposed CZM program.	
Dec. 1977 - Feb. 1978		TBRPC distributes copies of workshop draft, assists with regional public workshop, forwards comments to BCZP.
March 1978	*The Florida Coastal Management Program—Legislative Draft* released.	TBRPC reviews and distributes copies of legislative draft.
June 1978	Legislature passes the Florida Coastal Management Act of 1978.	
Sept. 1978	Florida receives its fourth-year grant under section 305 of the act.	

Chapter VII

WATER PLANNING PROGRAMS AND THE WATER PERMIT PROCESS

From the Clean Water Act of 1977
33 U.S.C. 1251 et seq.

OVERVIEW OF THE ACT

Introduction

The Federal Water Pollution Control Act as amended in 1972 was considered to be one of the most complex and comprehensive measures enacted by Congress. The act, a result of more than 24 years of experience under previous state and federal statutes, created a program based on three major elements: uniform nationwide standards, enforceable regulations, and a permit program based on effluent limitations and geared to specific goals.[1] Congress made several significant changes in the act in 1977, but the basic structure and objectives were not changed. The amended act is commonly referred to as the Clean Water Act of 1977.

Declaration of Goals and Policy (Section 101)

The objective of the act is to restore and maintain the chemical, physical and biological integrity of the nation's waters. National goals established include:

- the elimination of pollutant discharges by 1985
- an interim goal of water quality suitable for recreation and for the protection and propagation of fish and wildlife wherever possible by July 1, 1983
- a prohibition on the discharge of toxic pollutants.

Congress recognized, as a matter of policy, the primary responsibility and rights of the states to prevent, reduce and eliminate pollution, and to plan the development and use of land and water resources. Administration of the act was delegated to the administrator of the Environmental Protection Agency (EPA).

The act requires provision for and encouragement of public participation in the development, revision and enforcement of any regulation, standard, effluent limitation, plan or program under the act.

Effluent Limitations (Sections 301 - 309, 316)[2]

EPA has established "national *effluent limitations*" (maximum amounts of specific pollutants that may be discharged into waterways) based on the availability of control technology at realistic costs. Factories, power plants and other industrial point sources were to comply with initial effluent limitations by July 1, 1977 through application of the "best practicable technology" (BPT). The deadline has been extended by the 1977 amendments to April 1, 1979 for those industries that made "good faith" efforts to comply. For publicly-owned treatment works in existence or under construction, effluent limitations based upon "secondary treatment" were required by July 1, 1977. This deadline has been extended to July 1, 1983.

[1] The Izaak Walton League of America, *A Citizen's Guide to Clean Water*, June 1973, p. 7.

[2] League of Women Voters Education Fund, *Current Focus*, "Federal Environmental Laws and You," 1978, p. 2.

Different compliance requirements were established by the 1977 amendments for each of three types of industrial discharges: conventional, toxic and nonconventional pollutants. "Best control technology" (BCT), i.e., economically reasonable technology, is required for conventional pollutants[3] by July 1, 1984. "Best available technology" (BAT) is required for toxic substances[4] by July 1, 1984 and for nonconventional pollutants by July 1, 1987.

Water Quality Standards (Section 303)

The states or EPA specify water quality standards which designate uses for specific bodies of water and establish criteria for pollutant discharge. Water quality standards provide a yardstick to measure the effectiveness of pollution control. Where limitations are inadequate to protect or restore water quality, more stringent limitations are applied by EPA.

National Pollutant Discharge Elimination System (Section 402)

To insure compliance with effluent limitations, the act established the National Pollutant Discharge Elimination System (NPDES) under which all point sources[5] must get a discharge permit from EPA or the state. The permit includes permissible pollutant discharge levels and a compliance schedule. This permitting system also requires dischargers to monitor waste and report on its nature and amount.[6]

A copy of each permit application and each permit issued must be made available to the public. EPA must allow opportunity for a public hearing before issuing a permit for the discharge of any pollutant.

The authority to issue these NPDES permits rests with EPA until assumed by the states. Once a state demonstrates to EPA that its program conforms to the requirements of the act and to EPA regulations, EPA is required to turn over permanent permit authority.[7] EPA continues to monitor such state programs, however, and may prevail when an impasse develops with the state over a proposed permit.

This section is considered to be the most significant enforcement tool of the act. Failure to obtain a permit or violation of permit conditions can result in fines of up to $10,000. Willful or repeated violations can bring fines of up to $25,000 a day or a prison term.[8]

Dredge and Fill Permits (Section 404)[9]

The Army Corps of Engineers (COE) or the state issues permits for the disposal of dredged or fill material based upon the potential environmental impact on municipal water supplies, fish, wildlife and recreational areas. Normal farming, forestry and ranching activities (such as plowing, irrigation ditches and dams) are exempted. COE issued its first general regulations in 1977.

[3]Conventional pollutants include suspended solids, certain bacteria, and those substances affecting biological oxygen demand and alkalinity-acidity.

[4]Toxic substances include chemicals and pesticides.

[5]Point sources discharge pollutants into waters from direct outlets such as pipes from sewage treatment plants.

[6]Types of point sources requiring a permit for discharges into water bodies include municipal wastewater treatment facilities, manufacturing plants, agriculture, forestry, mining and fishing operations, and other service, wholesale, retail and commercial establishments.

[7]State participation in the NPDES is not mandatory. States may decide not to participate, leaving all permit enforcement decisions and operations to the regional EPA office under the federal permit program. (*A Citizen's Guide to Clean Water*, p. 6.)

[8]LWVEF, "Federal Environmental Laws and You," p. 3.

[9]Ibid.

Grants for Construction of Treatment Works (Section 201)

The purpose of section 201 of the act is to require and to assist in the development and implementation of waste treatment management plans and practices designed to achieve the goals of the act.

The federal government awards 201 grants (75/25 federal/local match) to communities to assist them in improving existing sewage treatment plants or for the planning, building and installing of new publicly-owned treatment works (POTWs). Grants are awarded in three steps: planning for facilities, designing the required facilities, and construction of facilities. An additional 10 percent grant is available for municipal projects using alternative or innovative waste treatment systems (wastewater recycling and water reuse systems, energy-saving and recovery techniques.)

The 1977 amendments enlarged the state role in program management. Each state selects the projects to receive federal funds from a priority list which it draws up annually. The law requires that a state use at least 25 percent of its grant for sewer system construction and rehabilitation. The 1977 amendments authorize funding of new sewer construction, however, only where there are already existing communities to avoid encouraging "suburban sprawl."

Areawide Water Quality Management Plan (Section 208)

This water planning program addresses the very serious water pollution problems that plague urban and/or industrialized areas. Quite possibly the most comprehensive of the programs established by the act, section 208 goes far beyond waste treatment technology. Land use planning, zoning and subdivision regulations, transportation, air quality control, and solid waste management must be addressed in the plan. Section 208 represents the only vehicle authorized by federal law for controlling nonpoint source pollution, such as stormwater runoff and erosion at construction sites.[10]

Responsibility for developing and implementing solutions to these water pollution problems is placed with the state and local governmental units. Areawide plans must include regulatory programs to prevent and control water pollution and recommended implementation mechanisms. There is a three-year limit on the planning phase. EPA was authorized to grant 100 percent of planning and administrative costs until June 30, 1975, when a limit of 75 percent was placed on grants. Those agencies which began planning after October 1, 1977 are eligible for 100 percent federal funding for the first two years and up to 75 percent for the third year of planning. The only federal implementation funding available is a Department of Agriculture rural agricultural cost-sharing program (50 percent) which began late in 1978.[11]

Water Quality Planning (Section 303)

Section 303 of the act requires each state to develop a continuing planning process. (CPP). The process must (1) determine where pollution is most serious, (2) assemble and employ data on water quality for the issuance of permits and (3) set priorities for state manpower and funding. The plan which is created as a result of this process must, at a minimum, include: effluent limitations and schedules of compliance, appropriate elements of 208 and 209 plans, a total maximum daily load for pollutants, controls over sludge disposal, and an inventory and priority ranking of needs for construction of waste treatment works. An approved CPP is a prerequisite for state assumption of NPDES authority.

[10] *Environmental Comment*, April 1977, p. 4.

[11] LWVEF, "Federal Environmental Laws and You," pp. 3-4.

River Basin Plan (Section 209)

Section 209 requires states to establish procedures to manage the water quality of river basins (those areas drained by a river and its tributaries). These interstate river basin plans must identify and measure the pollutants found in waters within the basin, set limits on discharges into those waters, establish a water quality improvement timetable and incorporate the "208" plans of states in the basin. The 209 planning process is primarily a state effort, with the U.S. Water Resources Council responsible for the coordination of planning. Deadline for completion of the plans is January 1, 1980.

Enforcement Efforts

EPA concentrates enforcement efforts on those polluters with the greatest potential impact on the environment. Regional offices have been instructed by EPA to rigorously review new grant applications for compliance with the law's regulations.

Public Participation

The act specifically requires EPA and the states "to provide for, encourage and assist public participation in the development, revision, and enforcement of regulations, standards, plans and programs." The citizen's role in water quality and waste treatment planning should be to insure that public disclosure mechanisms are incorporated into initial planning systems.[12] All plans should be subjected to continuing public scrutiny, and planning agencies should be required to seek out the views of citizens long before programs go into effect. A public hearing is required to determine if a state is qualified to assume NPDES responsibility. Citizens can request notification of permit applications from the regional EPA office or state permit agency, monitor the compliance efforts of permit holders, participate in hearings on water quality standards, and monitor the state sewer construction grant priority list.

Summary

The Clean Water Act of 1977 emphasizes planning and establishes a comprehensive program to improve coordination between various water pollution control activities at different levels of government.

The law requires that EPA publish procedures and regulations to be followed as well as a report on the latest technology available for preventing and reducing pollutants. In addition, EPA is required to define the degree of pollution control that must be achieved by municipalities and states to meet the standards. EPA, through its regional offices, is also responsible for approval and review of state permit programs and plans, technical assistance, and enforcement of pollution controls where other authorities fail.

Basic responsibility for water pollution abatement rests with the states. The act requires states to develop water quality standards, to establish maximum daily pollutant loads and to develop a continuous planning process.

Working under federal and state supervision, local water pollution control authorities have primary responsibility for the planning and management of waste treatment.[13]

STATE AND LOCAL PROGRAMS

The National Pollutant Discharge Elimination System (NPDES) in Florida

EPA is currently responsible for issuing permits under NPDES to Florida applicants. Once the state's program meets EPA's requirements, permitting authority will be delegated to the state, probably to the Department of Environmental Regulation (DER). The legislation

[12] Izaak Walton League, *A Citizen's Guide to Clean Water*, p. 39. For additional information on procedures for public participation, see EPA's "Guidelines for Public Participation in Water Pollution Control."

[13] *A Citizen's Guide to Clean Water*, pp. 10, 39.

needed to bring the state program into line with EPA regulations will be sought in the 1979 session of the Florida legislature.

Under the current system the application for a water permit is submitted to the EPA office in Atlanta. During the 30-day waiting period before public notice is given, EPA sends the application to DER who forwards it to the appropriate DER district office for comment.[14] Once notice has been given, interested persons are afforded 30 days to submit written comments and/or request a hearing. If a public hearing is scheduled in the area where the facility is located, EPA provides 30-day advance notice. Hearing procedures are informal, allowing interested persons to offer oral comments. Those who attended the hearing are sent copies of any changes made in the permit application in response to public comments. EPA also notifies those who attended the hearing of its decision to issue or deny the permit. The permit itself, with all attached conditions and requirements, and the monitoring information permit holders are required to report are public documents.

Local "201" Plans

The grant program authorized by section 201 of the act provides for planning, design and construction of publicly-owned waste treatment plants. To insure that the maximum benefit is gained from a given expenditure, Step I facilities planning procedures call for a detailed comparison of waste treatment techniques. This process is designed to enable the planners and engineers to systematically identify the alternative best suited to the community. The plan must also determine the most cost-effective design and the best method of disposing of sludge, assure compliance with effluent limitations and water quality standards, and assess social and environmental impacts and recreation/open space opportunities.[15]

[14]For the Tampa Bay region this is the Southwest District office in Tampa.

[15]LWVEF, "Federal Environmental Laws and You," p. 3.

The Administrative Services area of the Southwest District of DER cooperates with all local governmental units in the region and with the Southwest Florida Water Management District in "201" and "208" activities.

There are currently four "201" plans in Hillsborough County in various stages of development. The Northwest Plan was completed in June 1977 but was not approved by DER and EPA. Population and water quality problems were cited as the reasons for this disapproval. Four methods of effluent disposal are currently being evaluated. A public hearing was planned for February or March 1979 before resubmission of the plan for approval. A public hearing is scheduled for the spring of 1979 on the Plant City Plan. Two disposal alternatives have been selected. The planned treatment facility is an areawide wastewater treatment (AWT) discharge plant. The Southeast Plan is in the final stage of preparation. The AWT plant will be located west of Sun City Center. Spray irrigation and water reuse have been chosen for effluent disposal. Preparation of the Central Hillsborough/Tampa Plan is just beginning. Water reuse has been given top priority in the plan. An environmental impact statement (EIS) is being prepared concurrently. The new AWT Hooker's Point Plant opened for full treatment on December 31, 1978. Cost-effectiveness studies are currently being conducted in light of the additional cost of the phosphorous removal portion of the plant.

There are three "201" plans being prepared in Pinellas County. The North Pinellas County Plan has been completed, but there is still a question regarding the extent of the territory to be served by one of the four treatment plants. The Central Pinellas Plan was 65 percent complete at the end of 1978. The disposal alternatives had been selected and cost-effectiveness studies were then begun. Two sub-studies are also being made in this area. The sludge disposal study proposes dewatering and recycling sludge for sale as fertilizer with the electricity generated by the recycling plant to be used to serve Clearwater. The other sub-study is

considering the use of an off-site injection monitoring system. The St. Petersburg Plan was approved by EPA, with conditions, on November 6, 1978. The plan calls for all the area beaches to pipe their raw sewage to one of the four regional plants to be operated by the city of St. Petersburg. Disposal alternatives have been selected: spray irrigation, deep-well injection during the rainy season, and well water reuse during the dry seasons.

Two "201" plans have been completed in Manatee County. The North Manatee Plan has been submitted to EPA for approval. It prescribes continued operation of the county-owned package plants until 1985 when the system will be regionalized. The South Manatee Plan was completed, but a satisfactory means of effluent disposal has not yet been found. Consideration is currently being given to piping the effluent into a phosphate mine storage pond. The other alternative under study is discharge into the Manatee River after AWT treatment.

Four "201" plans have been developed in Pasco County. The West Pasco Plan has been certified by DER and was awaiting EPA approval at the close of 1978. Construction on the County Plant is scheduled to begin in 1985. The irrigation site and treatment levels for the New Port Richey Plant are being re-evaluated. The Central Pasco Plan serves primarily unincorporated areas of the county. The plan proposes consolidating existing package plants in southern areas into the Land O' Lakes facility. Spray irrigation has been chosen for effluent disposal. The Northeast Plan has been certified by DER and awaits EPA approval. The regional plant will be owned and operated by Dade City and will use spray irrigation for effluent disposal. Work has begun on Step 2 design under an EPA grant. The Southeast Plan is still incomplete. It calls for the "201" facility to be owned and operated by the city of Zephyrhills with disposal by spray irrigation. The county plans to build interceptor and collector systems and to route the sewage to the plant. Should this plan prove unacceptable, planners would examine the possibility of the county owning and operating the area's plant.

Local "208" Programs[16]

The act required that the governor of each state, following EPA guidelines, identify areas where urban-industrial concentrations have caused major water quality control problems, designate their boundaries and name a single organization to assume responsibility for developing the "208" water quality plan. In 1976 Governor Askew identified 12 such "designated areas" and the 12 local and regional planning agencies which would be responsible for the plans. The Department of Environmental Regulation, in cooperation with local, state and federal agencies,[17] is responsible for developing a plan for the rest of the state, the "non-designated area." The statewide plan will be compiled from the plans for these two types of planning areas. It will focus specifically on nonpoint pollution resulting from agriculture, septic tanks, mining, silviculture, and urban and construction activities. The draft must be submitted for EPA approval by June 30, 1979.

The Tampa Bay Regional Planning Council is the "designated planning agency" responsible for areawide water quality management planning for the Tampa Bay region. TBRPC in consultation with local governments of the region has completed the preparation of the *Areawide Water Quality Management Plan for the Tampa Bay Region* (AWQM Plan). The AWQM Plan is an outgrowth of a regional plan for water quality management adopted in 1973 which included the water quality analysis of the effects of wastewater disposal

[16] The major sources of information on state activities were "Florida Water Planning Report," Department of Environmental Regulation, April 1978, and "Florida 208 Water Quality Report," DER, September 1978.

[17] Coastal zone and "208" planning have been coordinated since 1975. BCZP staff members have served on "208" TACs, and CACs have overlapped membership.

and an evaluation of regional wastewater treatment facility configurations for the Tampa Bay region. This AWQM plan served as the basis for the "201" planning activities in the region and served to identify point source problems existing in the area.

The AWQM planning grant was awarded to TBRPC in June 1975. In compliance with the legislative requirement of a detailed step-by-step procedure to be followed in developing the plan, a plan of study was developed and approved by the council, DER and EPA. Subsequently, generic pollution control strategies and management alternatives were developed. The comprehensive planning activities being conducted in the region contributed to the preparation of the plan as did three transportation studies which were coordinated with the "208" process: The Tampa Area Study, the Pinellas Area Study and the Sarasota-Manatee Area Study. Significant coordination and interaction between the activities of the TBRPC and the wastewater treatment planning activities of local governments were instrumental in the development of the document. Other agencies which provided input into the plan include the West Coast Regional Water Supply Authority, SWFWMD, and the soil and water conservation districts.

A number of public participation mechanisms were employed in the development of the region's plan. The TBRPC appointed both a Regional Citizens Advisory Committee and a technical advisory body, the Areawide Planning Advisory Committee, to assist in the planning. Workshops, seminars, citizen opinion sampling, individual consultations, television programs and various educational publications provided avenues for communication with and instruction of the public.

Each designated area plan must be submitted to DER for certification. DER forwards its recommendations regarding certification of each element of the plan to the governor who then sends his recommendations to the Region IV EPA regional administrator for review and approval. DER will assist planning agencies and local governments in implementing fully approved plans.

The recommendations of the "208" programs are important in structuring future characteristics of growth, as well as in organizing local governmental management of wastewater facilities. Through "208" designation, a county is provided the opportunity to meet the 1983 national water quality goal by developing and implementing a comprehensive program for the management of municipal and industrial wastewater systems, agricultural runoff, storm-water runoff from construction activities, and the water quality aspects of land use.

The specific priorities of the TBRPC AWQM Plan are:[18]

1) Protection of potable water supplies
2) Maintenance and restoration of water quality to allow whole body contact recreation
3) Maintenance and restoration of water quality for maximum protection and propagation of fish, wildlife and shellfish
4) Elimination of existing water quality standard violations
5) Maintenance and restoration of the chemical and biological integrity of the bay system.

[18]Copies of the AWQM Plan can be obtained from the Tampa Bay Regional Planning Council.

ADDITIONAL INFORMATION ON THE ACT, STATE PROCEDURES AND ACTIVITIES AND 201 PLANNING IS AVAILABLE THROUGH THE DER SOUTHWEST DISTRICT OFFICE IN TAMPA. IF YOU WISH ADDITIONAL INFORMATION ON THE 208 LOCAL PLANNING PROGRAM, SEE THE CONTACT LIST FOR THE TAMPA BAY REGIONAL PLANNING COUNCIL.

Chapter VIII

FLORIDA'S AIR QUALITY IMPLEMENTATION PLAN AND CONSTRUCTION PERMIT PROCESS

From the Clean Air Act as Amended
42 U.S.C. 1857 et seq.

HIGHLIGHTS OF THE ACT

Overview

Building upon the Clean Air Act of 1963, the Clean Air Act Amendments of 1970 (P.L. 91-604) established the first comprehensive nationwide program for attaining and maintaining clean air. The 95th Congress amended the act in 1977 (P.L. 95-95) to clarify some provisions, alter some deadlines and establish noncompliance penalties. The Clean Air Act (CAA) as amended provides for the development of:

1) National ambient air [1] quality standards

2) State implementation plans to ensure compliance with these standards

3) Performance standards for new or modified stationary sources

4) National emission standards for hazardous *air pollutants*

5) Penalties for noncompliance

6) Research and monitoring for protection of ozone in the stratosphere

7) Prevention of significant air quality deterioration in areas cleaner than minimum standards

8) Methods for cleaning up nonattainment areas

9) Automobile and aircraft emission standards

10) Federal regulations for fuel and fuel additives.

Administration of this air pollution legislation is assigned to the Environmental Protection Agency (EPA).

National Air Quality Standards (Section 109) and State Implementation Plan (Section 110) [2]

The 1970 amendments required EPA to set two levels of national ambient air quality standards (maximum concentration of a pollutant considered safe)—primary standards to establish the minimum level of air quality required to protect public health and more rigid secondary standards to protect public welfare.[3] Once proposed standards have been published in the *Federal Register*, interested persons must be afforded a reasonable opportunity (not to exceed 90 days) to submit written comments. Standards must be reviewed at least every five years.

States are required to adopt, after reasonable notice and public hearings, and submit to the EPA

[1] "Ambient" refers to the general air around us, in contrast to the emission of pollutants from specific sources.

[2] League of Women Voters Education Fund, *Current Focus*, "Federal Environmental Laws and You," 1978, pp. 7-8.

[3] EPA has issued primary and secondary standards for six major air pollutants—sulfur oxides, total suspended particulates, carbon monoxide, hydrocarbons, photochemical oxidants, and nitrogen oxides. A final ambient air quality standard for lead was announced in late September 1978. In late January 1979 EPA revised both the primary and secondary standards for ozone (photochemical oxidants), increasing the acceptable concentration by 50 percent.

administrator air quality standard implementation plans which establish enforceable means of achieving the national standards (section 110) in each control region[4] of the state. Primary standards must be attained by December 31, 1982; secondary standards by a reasonable deadline set forth in the state plan. The EPA administrator may extend the primary standards compliance deadline by as much as five years for those areas experiencing special problems with oxidants and carbon monoxide. State implementation plans (SIP) are to include limitations on emissions from stationary sources, timetables for compliance, monitoring procedures, preconstruction review procedures for *new sources,* motor vehicle emission inspection and maintenance programs, transportation controls and enforcement programs.

The EPA administrator is required to review each state implementation plan to determine compliance with the federal requirements. If a state fails to submit an implementation plan or to revise a plan as required, or if any portion of the plan is determined to be inadequate, then the administrator is directed to prepare and publish a complete plan or appropriate portion of the plan for the state. States not submitting revised SIPs by January 1, 1979 could lose federal funds for sewer construction, air quality programs or highways and EPA could ban construction of new projects in their nonattainment areas.

Performance Standards for New Stationary Sources (Section 111)

In addition to air quality standards, EPA has been given the authority to establish uniform national *standards of performance* for new or substantially modified stationary sources of air pollutants.[5] Such performance standards reflect emission limitations set directly at the federal level.

The 1977 amendments required EPA to list the categories of those major stationary sources of potentially injurious air pollution which had not already been published. Standards of performance for sources within each category are to be established by 1982. Prior to listing a category or promulgating regulations, the EPA administrator must consult with appropriate representatives of state governors and air pollution control agencies.

Once a proposed standard has been published in the *Federal Register,* interested persons must be given the opportunity for written comment prior to promulgation of final standards. These standards must be reviewed at least every four years.

Each state is required to submit to the administrator a plan which establishes performance standards for any existing air pollutant source for which air quality criteria have not already been issued under section 108 or 112. The plan must also include provisions for implementation and enforcement. As with the section 110 SIP, EPA may prescribe and enforce such a plan for any state failing to submit a satisfactory plan.

In addition, a state may develop and submit to the administrator procedures for implementing and enforcing performance standards for new stationary sources of air pollutants. If EPA finds these procedures to be adequate, it will delegate implementation authority to the state.

Prevention of Significant Deterioration (PSD) (Sections 160-169)

The intent of the 1970 act was clarified by a 1973 Supreme Court decision in favor of the plaintiff, a

[4]There are six air quality control regions in Florida. The Tampa Bay area is in the West Central Intrastate Region. On the date of enactment of the 1977 CAA amendments, each state was required to submit a list of air quality control regions which did not meet national air quality standards and those cleaner than minimum standards for any air pollutant. (section 107)

[5]As of August 1978, EPA had set final performance standards for 28 categories of new and modified stationary sources including fossil fuel steam generators, incinerators, cement plants, coal preparation plants, phosphate fertilizer plants and oil refineries, ("Environmental News," EPA, 1 September 1978.)

citizen environmental group. The Court ordered EPA to develop regulations to prevent significant air quality deterioration in areas with above-standard air purity. The result was an area classification system which linked the amount of additional pollution allowable to the nature of the area. The system was altered somewhat and incorporated into the act by the 1977 amendments.

Almost any air quality degradation is prohibited in Class I areas which include international parks, national memorial parks, national wilderness areas and national parks. All other above-standard areas were initially designated Class II, allowing moderate increases in pollution. States may redesignate these Class II areas after making available to the public an analysis of potential effects and holding public hearings in the affected areas. (section 164)

A preconstruction permit is required for any major stationary sources in these areas (section 165). Smaller facilities[6] were largely exempted from "best available control technology" evaluation and air quality impact review by the "two-tiered approach" adopted by EPA in June 1978. States were required to incorporate these provisions into their SIP revisions. State and local governments are eligible for EPA aid in developing economic incentive programs designed to "plan" (versus apportioning on a first-come, first-served basis) the allocations of air pollution increments.[7]

Nonattainment Areas (Sections 171-178)

The 1977 CAA amendments required state and local governments to develop revisions to SIPs for areas where standards had not been attained. A state's implementation plan for nonattainment areas[8] must provide for annual incremental reductions in pollutant emission so as to attain standards by the prescribed deadlines (section 173). Construction permits may not be issued for new or modified stationary sources unless the new emissions are offset by reductions in emissions from existing sources or they do not exceed the allowable emission level for new sources specified in the state's plan. A public hearing is required prior to adoption of plan provisions.

In those areas where national primary standards for photochemical oxidants or carbon monoxide cannot be attained by December 31, 1982, a revised implementation plan must be prepared by local elected officials and be coordinated with the comprehensive transportation planning process.[9] Standards must be attained by December 31, 1987. There must be public, local government and state legislative involvement in determining planning and implementation responsibilities. The 1977 amendments also authorize states with special auto-related pollution problems to adopt and enforce the stricter California auto emission standards to help them attain minimum standards (section 177).[10]

Auto Emissions (Section 202)

The 1970 amendments required 1975-model autos to show a 90 percent reduction over 1970- and 1971-model

[6] Those sources which would emit less than 50 tons per year of pollutants after pollution controls have been applied.

[7] *Community Planning Report* and *Land Use Planning Report*, 19 June 1978.

[8] It should be noted that a local area may be both a nonattainment area for some pollutants and an above-standard area for others.

[9] If an organization of elected local government officials of the affected area is not designated by local agreement to prepare this implementation plan, the 1977 amendments authorized the governor, after consulting with local elected officials, to designate such a group—where possible, the metropolitan planning organization for transportation planning or the organization responsible for air quality maintenance planning.

[10] Auto emission standards are not otherwise established or enforced at the state level.

levels of hydrocarbon, carbon monoxide and nitrogen oxide emissions. A number of delays and extensions were subsequently granted due to industry claims of technological problems, congressional reaction to the oil embargo and the suggestion that emissions from catalytic converters might injure health. When automakers claimed they could not meet the extended 1978 deadlines and warned they would shut down to avoid fines, Congress further extended compliance deadlines through the 1977 amendments—1980 model year for hydrocarbons, 1981 for carbon monoxide and relaxed standards for nitrogen oxides.[11] The act includes provisions for waiver of the carbon monoxide deadline and nitrogen oxide standards by the EPA administrator upon application by the manufacturer and after public hearings.

Enforcement (Sections 113, 120, 303, 304, 306)[12]

The act established a joint regulatory system—the federal government sets air quality standards while actual emissions limitations are set largely by the states. Most of the enforcement responsibility remains at the state and local level although EPA has the authority to intervene when states fail to carry out this responsibility. Penalties for noncompliance include the denial of federal contract awards or loans (section 306), the imposition of fines or imprisonment (sections 113,303). To discourage compliance delays, the 1977 amendments added a new noncompliance penalty for major stationary sources equal to the amount it would cost the facility to meet the standards (section 120). Additionally, citizens may, with prior notice, bring civil action against violators and also against the EPA for failure to properly administer the law (section 304).

[11]LWVEF, "Federal Environmental Laws and You," p. 8.

[12]Ibid.

The 1977 amendments authorize the delay of compliance deadlines for oil- and natural gas-burning facilities which are required to convert to coal.

Citizen Participation[13]

Citizens can become involved in the improvement and protection of air quality by attending public hearings and submitting comments on proposed air quality, performance and emission standards, state implementation plans and revisions, area reclassifications and requests for auto emission compliance delays. Individuals can request to be included on the DER mailing list for information regarding air quality and can serve on regional air quality advisory boards or attend board meetings. Also, citizens can monitor the actions of pollutant sources, report violations to local authorities or bring suit against polluters.

STATE AND LOCAL AIR QUALITY PROGRAMS

Construction Permit Process[14]

Florida has developed an EPA-approved *construction permit* process to implement and enforce performance standards for new stationary sources of air pollutants.

Any potential air pollution source must obtain the permit prior to construction. Application is filed with the DER district office[15] which must publish public notice of the application in the region which would be

[13]LWVEF, "Federal Environmental Laws and You," p. 9.

[14]The state Environmental Regulatory Commission scheduled a hearing for January 25, 1979 on proposed additional regulations which would become effective July 1, 1979 if approved. The SIP revisions will prescribe a new procedure for permitting in nonattainment areas.

[15]For the Tampa Bay region this is the Southwest District.

affected. Notices must also be sent to the regional EPA office in Atlanta and to all other state and local air pollution control agencies having jurisdiction in the affected region. Notice is followed by a 30-day public and agency comment period. A formal public hearing may also be requested. Public hearings must comply with chapter 120, the Administrative Procedure Act.[16]

Before an operating permit can be issued, the facility must submit to a series of tests to assure it is in compliance with air quality and emission standards. Operating permits are issued for a maximum of five years, with continued compliance a prerequisite for permit renewal.

Florida's Air Quality Implementation Plan

EPA approved Florida's ambient air quality implementation plan in the spring of 1972.[17] Permits for existing and potential air pollution sources are issued by the Department of Environmental Regulation in accordance with the ambient air quality and emission standards included in the SIP. Local governments may adopt air pollution regulations provided they are not in conflict with or less stringent than the state standards.

Preparation of the revisions of the SIP for nonattainment areas was on schedule at the time of publication. A public hearing was held January 24, 1979 in Tallahassee on the revisions which describe nonattainment areas and establish a regulatory process for permitting new and existing sources of air pollution in those areas. The proposed review process includes some application of emission offsets. The final revised plan will be submitted by the governor to EPA for review.[18]

Hillsborough County Programs

A special act of the Florida legislature established the Hillsborough County Environmental Protection Commission (EPC) in October 1967.[19] Composed of the five county commissioners, the county EPC is a rule-making, adjudicatory and governing body. The special act provides for the adoption of rules and regulations necessary for the effective control and regulation of air (and water and noise) pollution in the county (section 5). In addition, EPC is charged with establishing, operating and maintaining a countywide program of air quality monitoring (section 8).[20] The EPC investigates violations and enforces both stationary source emission limitations and ambient air quality standards. The EPC staff also inspects all permitted and potential stationary sources of air pollution and monitors them to assure compliance.[21]

[16]See p. 16 for an explanation of chapter 120 quasi-judicial hearings.

[17]These air quality and emission standards are described in chapter 17-2, Florida Administrative Code.

[18]As a result of the recent change in the ambient air quality standards for ozone, some nonattainment areas are eligible for redesignation and Florida's transportation control measures may have to be revised. ("Environmental Regulation News," DER, February 1979.)

[19]Chapter 67-1504 as amended by chapters 69-1149, 71-681, 72-563, Laws of Florida.

[20]An Air Monitoring Network has been established for the measurement of: total suspended particulates (TSP), sulfur dioxide (SO_2), ozone (O_3) (photochemical oxidants), carbon monoxide (CO), hydrocarbons, sulfates, and nitrogen dioxide.

[21]The air program currently operated by the Hillsborough County Environmental Protection Commission involves a coordination of technical and analytical activities among six departments within the county Division of Environmental Protection: Air Engineering, Air Monitoring, Data Analysis, Laboratory, Complaints and Enforcement.

As a result of a letter of agreement with DER, the Hillsborough Environmental Protection Commission is responsible for initial review of construction and operation permit applications within the county's jurisdiction.

Hillsborough County has been designated a nonattainment area for total suspended particulates and ozone. The EPC is the designated lead agency responsible for drafting the revisions of the state implementation plan (SIP) for the county required by the 1977 amendments for those areas not meeting the national primary ambient air quality standards.

The revised SIP must contain provisions for the review of permit applications for new or modified stationary sources and the assessment of their impact on the ambient air quality. No major new source may be allowed to significantly deteriorate the existing air quality. Specific control strategies must be devised which will assure attainment of standards by the end of 1982. Among the strategies to be employed are the application of the "lowest achievable emission rate" (LAER) for all new sources and the requirement that all "reasonably available control technology" (RACT) be installed by existing sources.

Under the federal act, Hillsborough County could be granted a five-year extension, to 1987, of the attainment deadline for ozone. In order to qualify for an extension the county must: (1) establish a program for analyzing alternative sites, sizes, processes, and control techniques prior to the construction or modification of any major emitting facility; (2) establish a specific schedule for implementation of a vehicle emission control inspection and maintenance program; and (3) identify other measures necessary to provide for attainment of the applicable standard by December 31, 1987. (section 172)

In the course of assessing the technical and legal aspects of the plan revisions, the county EPC staff has been meeting with representatives of industry, business and conservation interests. The input from these meetings was utilized to draft more equitable and cost-effective strategies. When the revisions to the SIP are essentially completed, the EPC plans to hold public hearings to inform local citizens of the county proposals and to receive public comment on the new regulations.

Manatee County

The Manatee County Pollution Control Program was created in November of 1965, after a successful countywide referendum vote. Initial plans and the adoption of a local air pollution control ordinance were handled by the newly-formed Manatee County Pollution Control Board—nine members appointed by the county commission representing a variety of occupational disciplines. The county's air pollution program is currently administered by the Manatee County Health Department (Pollution Control Department) under the state Department of Health and Rehabilitative Services. The department's staff presents problems, suggestions and other relevant information to the Pollution Control Board which in turn submits recommendations to the board of county commissioners.

On December 3, 1968 Manatee County's air pollution ordinance was adopted and in January 1970, it became the first state-approved local program. The program consists of three divisions: laboratory, air and water. The "lab" is capable of analyzing most types of samples with the exception of heavy metals and pesticides. The air program is responsible for complaint investigation, sampling, surveillance and inspection of sources, enforcement, permitting and the noise program. All program activities are coordinated through the pollution control director. The county also has a wind probe and a mobile air trailer, equipped with continuous sulfur dioxide and carbon monoxide monitors, which is used for special surveys.

Field audits are conducted once a month to ensure that valid air pollution samples are taken. The department employs federally-approved methods of

collection and calibration. The EPA also sends the department interlaboratory "check-samples" for use in evaluating county laboratory and field instruments. Plant inspections are conducted to check plant conditions, production rates and stock conditions as well as permit provisions and requirements.

Pinellas County

Presently Pinellas County's Air Pollution Control Program involves monitoring and planning activities. The Air and Water Quality Division of the Pinellas County Department of Environmental Management monitors the air pollutants for which EPA has established standards. The present findings indicate that Pinellas County has a countywide ozone problem and a sulfur dioxide problem in northern Tarpon Springs.

Pinellas County relies on the Florida Department of Environmental Regulation for abatement of air pollution problems. However, the county is applying for an EPA grant of $80,000 to expand its program to include enforcement and permitting. Acceptance of this grant would obligate the board of county commissioners to adopt a local air quality ordinance which is consistent with the state implementation plan.

In March 1978 EPA designated Pinellas County a nonattainment area for ozone and sulfur dioxide. As such, Pinellas County is required to develop a plan in conjunction with DER to attain and maintain the national ambient air quality standards for those pollutants. This plan will become part of the revisions to the state implementation plan.

Pursuant to section 174 of the 1977 Clean Air Act Amendments, the governor designated the Pinellas County Metropolitan Planning Organization (MPO) as the lead planning agency for development of the plan. The Pinellas County Department of Environmental Management has been assigned staff responsibilities for plan development in cooperation with the MPO. As parts of the plan are completed, presentations are being made to the MPO for approval and to the MPO's Citizens Advisory Committee for suggestions and input. On February 7, 1979 a public hearing was conducted by the MPO to receive citizen comment on the plan. When adopted, the plan will be forwarded to DER for incorporation into the SIP.

ADDITIONAL INFORMATION ON THE ACT, SIP AND STATE PERMITTING PROCEDURES IS AVAILABLE FROM THE DER SOUTHWEST DISTRICT OFFICE IN TAMPA AND THE BUREAU OF AIR QUALITY MANAGEMENT IN TALLAHASSEE. FOR INFORMATION ON LOCAL AIR QUALITY PROGRAMS, SEE THE CONTACT LIST FOR APPROPRIATE COUNTY AGENCY INDICATED IN CHAPTER TEXT.

part iv supplemental material

CONTACT LIST

CITIZEN-BASED INTEREST GROUPS

Conservation Groups:

Citizens Against River Pollution
(C.A.R.P.)
Post Office Box 1574
Riverview, Florida 33569
(813) 677-2962

Hillsborough Environmental Coalition
Post Office Box 2800
Tampa, Florida 3360l
(813) 257-2921 (evenings)

Izaak Walton League
1619 Palma Sola Boulevard
Bradenton, Florida 33505

Manasota—88
5314 Bay State Road
Palmetto, Florida 33561

Save Our Bay
Post Office Box 2800
Tampa, Florida 33601

Sun City Center Audubon Society
1233 Fordham Drive
Sun City Center, Florida 33570

Tampa Audubon Society
4303 North A Street
Apartment 8
Tampa, Florida 33609

Tampa Bay Sierra Club
12702 20th Street, North
Tampa, Florida 33612
(813) 971-1474

Miscellaneous:

American Cancer Society
1001 South Mac Dill Avenue
Tampa, Florida 33609
(813) 251-3767

Bell Lake Association
Post Office Box 15
Land O' Lakes, Florida 33539

Greater Tampa Chamber of Commerce
803 East Kennedy Boulevard
Tampa, Florida 33602
(813) 228-7777

Gulf Coast Lung Association
6160 Central Avenue
Saint Petersburg, Florida 33707
(813) 347-6133

Junior League of Tampa, Inc.
87 Columbia Drive
Tampa, Florida 33606
(813) 257-5961

Lake Padgett Civic Association
736 South Shore Drive
Land O' Lakes, Florida 33539

League of Women Voters
Post Office Box 10513
Tampa, Florida 33609
(813) 251-0840

South Hillsborough County Chamber of Commerce
315 South Highway 41
Ruskin, Florida 33534
(813) 645-3808

Tampa-Hillsborough Historic Preservation Board
1509 Eighth Avenue
Tampa, Florida 33605
(813) 272-3843

PRIVATE SECTOR ORGANIZATIONS AND FIRMS

Organizations:

Contractors Association of Sarasota/Manatee
534 South Pineapple Avenue
Suite 203
Sarasota, Florida 33577
(813) 959-5151

Contractors and Building Association of Pinellas County
5001 Park Boulevard
Suite 201
Pinellas Park, Florida 33565
(813) 541-2681

Farm Bureau of Hillsborough County
1005 Mulrennan Road
Valrico, Florida 33594

Florida Fruit and Vegetable Association
Post Office Box 881
Ruskin, Florida 33534

Florida Petroleum Council
111 North Gadsden Street
Tallahassee, Florida 32301

Home Builders Association of Greater Tampa
Post Office Box 420
801 East Kennedy Boulevard
Tampa, Florida 33601
(813) 228-7777

Pasco County Builders Association
Post Office Box 381
Holiday, Florida 33589
(813) 934-4695

Tampa Board of Realtors
Post Office Box 18304
Tampa, Florida 33679
(813) 879-7010

Firms:

Frandorson Properties
6510 Surfside Boulevard
Apollo Beach, Florida 33570
(813) 645-9606

Jim Walter Corporation
1500 North Dale Mabry
Tampa, Florida 33605
(813) 871-4811

Lykes Brothers, Inc.
Post Office Box 2879
Tampa, Florida 33601
(813) 223-3981

Phosphate Rock, Inc.
1311 North West Shore
Suite 30
Tampa, Florida 33607
(813) 879-7310

Tampa Electric Company
Post Office Box 111
Tampa, Florida 33601
(813) 879-4111

GOVERNMENTAL UNITS

City/County:

Hillsborough County
Information Services, Director
419 Pierce Street
Post Office Box 1110
Tampa, Florida 33601
(813) 272-5780

Public Response
(813) 272-5900

County Administrator
(813) 272-5920

County Development Department
(813) 272-5920

Hillsborough County Planning Commission
700 Twiggs Street
Tampa, Florida 33601
(813) 272-5940

Hillsborough County Building and Zoning Department
Permits
705 East Kennedy Boulevard
Tampa, Florida 33602
(813) 272-5600

Zoning Administrator
(813) 272-5710

Zoning Complaints
(813) 272-5715

Hillsborough County Environmental Protection Commission
1900 Ninth Avenue
Tampa, Florida 33601
(813) 272-5960

Air Pollution Index
(813) 248-1512

Hillsborough County Department of Health
Environmental Health
1105 East Kennedy Boulevard
Tampa, Florida 33602
(813) 272-6320

Environmental Engineering
(813) 272-6310

Hillsborough Soil and Water Conservation District
700 Twiggs, Room 417
Tampa, Florida 33602
(813) 272-6634

City of Tampa
Service and Information Center
City Hall
Tampa, Florida 33602
(813) 223-8211

Water Resources and Public Works
(813 223-8711

Tampa Department of Revenue and Finance
Bureau of City Planning
1 City Plaza, 8E
Tampa, Florida 33602
(813) 223-8282

Tampa Urban Area Transit Study (TUATS)
Metropolitan Planning Organization
Post Office Box 1110
Tampa, Florida 33601
(813) 272-5946

Tampa Port Authority
Post Office Box 2192
Tampa, Florida 33601
(813) 248-1924

Manatee County Commission
Courthouse
Post Office Box 1000
Bradenton, Florida 33506

Manatee County Administrator
212 Sixth Avenue East
Bradenton, Florida 33508

Planning and Development
(813) 748-4501

Manatee County Pollution Control Department/
Environmental Engineering
202 Sixth Avenue East
Bradenton, Florida 33508
(813) 748-0666

Manatee River Soil and Water Conservation District
1303 17th Street, West
Post Office Box 965
Palmetto, Florida 33561
(813) 722-1108

Manatee County Port Authority
Director
Port Manatee, Route 1
Palmetto, Florida 33561
(813) 722-6621

Sarasota/Manatee Area Transportation Study (SMATS)
Metropolitan Planning Organization
2086 Main Street
Sarasota, Florida 33577
(813) 958-9711

Pasco County
Post Office Drawer 609
200 Commerce Avenue
New Port Richey, Florida 33568

Pasco County Development and Code Enforcement
Department
Planning Division
4025 Moon Lake Road
New Port Richey, Florida 33552
(813) 847-2411

Pasco County Administrator
(813) 847-2411

Pasco County
410 East Meridian Avenue
Dade City, Florida 33525
(905) 567-5271

Pasco Soil and Water Conservation District
Post Office Box 466
Dade City, Florida 33525
(813) 567-2172

Pinellas County
Courthouse
315 Haven Street
Clearwater, Florida 33516
(813) 448-2626

Public Service and Information
(813) 448-3861

County Administrator
(813) 448-2485

Environmental Management Department
(813) 448-3761

Pinellas County Planning and Zoning Department
440 Haven Street
Clearwater, Florida 33516

Planning Division
(813) 448-3751

Zoning Division
(813) 448-2401

Department of Engineering and Public Works
(813) 448-2251

Pinellas County Sewer Department
310 Haven Street
Clearwater, Florida 33516
(813) 448-3721

Pinellas County Air and Water Quality Division
St. Petersburg/Clearwater Airport
Clearwater, Florida 33520
(813) 448-2521

Pinellas County
Public Service and Information
545 1st Avenue North
St. Petersburg, Florida 33707
(813) 893-5826

Law Library
(813) 893-5875

Pinellas County Health Department
Environmental Health
5111 66th Street, North
St. Petersburg, Florida 33707
(813) 541-2689

Pinellas Soil and Water Conservation District
Post Office Box 637
Largo, Florida 33540
(813) 584-6481

Pinellas County Community Development
1100 Building, 4th Floor
1100 Cleveland Street
Clearwater, Florida 33515
(813) 448-3851

Pinellas Area Transportation Study
Metropolitan Planning Organization (PATS-MPO)
440 Haven Street
Clearwater, Florida 33516
(813) 448-3751

Central Pinellas Transit Authority (CPTA)
14840 49th Street, North
Clearwater, Florida 33520
(813) 536-7806

Regional:

Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Florida 33702
(813) 577-5151
(813) 224-9380 (Tampa)

Southwest Florida Water Management District
7601 Highway 301, North
Tampa, Florida 33601
(813) 228-9850

Southwest Florida Water Management District
5060 U.S. Highway 41, South
Brooksville, Florida 33512
(904) 796-7211

West Coast Regional Water Supply Authority
A.G. Spanos Executive Center
Suite 121, Building L
2280 U.S. 19, North
Clearwater, Florida 33515
(813) 725-5511
(813) 223-9343 (Tampa)

State:

Department of Environmental Regulation
Southwest District
7601 Highway 301, North
Tampa, Florida 33601
(813) 985-7402

Department of Environmental Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32301

Public Information and Legislative Office
(904) 488-0450

Division of Environmental Permitting
(904) 488-0130

Division of Environmental Programs
(904) 487-1855

Bureau of Air Quality Management
(904) 488-1344

Bureau of Coastal Zone Planning
(904) 488-8614

NPDES Permit Section
(904) 487-1620

Bureau of Wastewater Management and Grants
(904) 488-8163

Bureau of Water Management
(904) 488-9560

Department of Natural Resources
Crown Building
202 Blount Street
Tallahassee, Florida 32304
(904) 488-1555

Division of Resource Management
(904) 488-7500

Department of Administration
Division of State Planning
530 Carlton Building
Tallahassee, Florida 32304
(904) 488-1115

Bureau of Comprehensive Planning
(904) 488-2401

Bureau of Land and Water Management
(904) 488-4925

Department of Community Affairs
Division of Technical Assistance
Bureau of Local Assistance
2571 Executive Center Circle East
Tallahassee, Florida 32301
(904) 488-2356

Information For All State Agencies:
(904) 488-1234

General Information—St. Petersburg Area:
(813) 893-2121

Federal:

Federal Information Center
144 First Avenue, South
St. Petersburg, Florida 33701
(813) 893-3495
(813) 229-7911 (Tampa)

U.S. Environmental Protection Agency
Region IV
345 Courtland Street
Atlanta, Georgia 30308
(404) 881-2156

Air Enforcement Branch
Southern Compliance Section
(404) 881-4253

Water Enforcement Branch
Permits—Public Participation
(404) 881-2328

Office of Public Awareness (A-107)
Washington, D.C. 20460
(202) 755-0344

Corps of Engineers
Permit Section
Tampa Area Office
Post Office Box 19247
Tampa, Florida 33686
(813) 228-2576

United States Geological Survey
Water Resources Division
4710 Eisenhower Boulevard, B-5
Tampa, Florida 33614
(813) 228-2124

Urban Mass Transportation Administration
1720 Peachtree Road, Northwest
Suite 400
Atlanta, Georgia 30309
(404) 881-7853

Office of Coastal Zone Management
3300 Whitehaven Street, Northwest
Washington, D.C. 20235
(202) 254-7546

Water Resources Council
2120 L Street, Northwest
Washington, D.C. 20037
(202) 655-4000

GLOSSARY OF TERMS

Air pollutants: In Florida, an air pollutant is defined as "Any matter found in the atmosphere other than oxygen, nitrogen, water vapor, carbon dioxide and the inert gases in natural concentrations." (chapter 17-2, Florida Administrative Code)

Appurtenant work: Any artificial improvement to a dam which might affect the safety of such dam or the reservoir or impoundment created by the dam. (373.403(2), F.S.)

Aquifer: A hydrologic unit consisting of a geologic formation, a related group of formations, or only part of a formation, which is saturated with water and capable of transmitting usable quantities of water to wells or springs. (16J-0.02(2), F.A.C.)

Areas of particular concern: Areas determined by a state to require special management. Designations may be made by type of area or be site-specific or both. Types of coastal areas to be considered for such designation include: areas of unique, fragile habitat or of historical or scenic significance; areas of high natural productivity or essential habitat for living resources; areas of high recreational value; areas where developments and facilities are dependent on utilization of, or access to, coastal waters; areas of unique geologic significance for commercial development; areas of urban concentration; areas of significant hazard from storms, slides, floods, erosion and salt intrusion; areas needed to protect, maintain or replenish coastal lands or resources. (1978 CZM rules and regulations)

Areas for preservation: Areas designated for the purpose of preserving or restoring them for their conservation, recreational, ecological or esthetic values. (1978 CZM rules and regulations)

Coastal zone boundaries: Determination of a state's inland boundary, including those areas which must be managed to control uses with direct and significant impacts on coastal waters, special management areas, transitional and intertidal areas, salt marshes and wetlands, islands and beaches; seaward boundary; interstate boundaries (where pertinent, at least an indication of consultation with adjoining coastal states); and excluded areas (those lands owned by or otherwise solely under the discretion of the federal government). (1978 CZM rules and regulations)

Construction permit: As defined in "Rules of the Department of Environmental Regulation," a construction permit is "the legal authorization granted by the Department to construct, expand, modify, or make alterations to any installation and to temporarily operate and test such new or modified installations." (17-4.02(4), F.A.C.)

Effluent limitations: Limitations on the discharge of pollutants into the environment, partially or completely treated or in their natural state.

Eminent domain: The right or power exerted by a state over all properties within its boundaries that authorizes it to appropriate all or part of a parcel of property for a necessary public use, provided reasonable compensation is made.

Governing body: The board of county commissioners of a county, the commission or council of an incorporated municipality, or any chief governing body of a unit of local government. (163.3164(7), LGCPA)

Impoundments: "Any lake, reservoir, pond, or other containment of surface water occupying a bed or depression in the earth's surface and having a discernible shoreline." (373.019(15), F.S.)

Local government: "Any county or municipality or any special district or local governmental entity established pursuant to law which exercises regulatory authority over, and grants development permits for, land development." (163.3164, LGCPA)

New sources: Any stationary source the construction or modification of which is begun after the publication of regulations prescribing applicable standards of performance. (section 111, Clean Air Act)

Priority of uses: Priority guidelines, including uses of lowest priority, established for areas of particular concern. These management concerns and policies on how resources should be protected and developed may also be established throughout the coastal zone and should be made strongly advisory to decision-makers. This designation of priorities will provide the basis for special management and serve as a common reference point for resolving conflicts. (1978 CZM rules and regulations)

Public notice: "The publication of notice . . . of a hearing at least twice in a newspaper of general circulation . . . with the first publication not less than 14 days prior to the date of the hearing and the second at least 5 days prior to the hearing." (163.3164(16), LGCPA)

Standards of performance: Allowable emission limitations established for a category of sources. For categories of fossil-fuel fired stationary sources such standards also prescribe percentage reductions in emissions from those which would have resulted without treatment. For existing sources affected by section 112(d), the degree of emission reduction achievable through the application of the best system of continuous emission reduction demonstrated for a particular category of sources. (section 111, Clean Air Act)

State control: The management program must demonstrate the state's ability to control each permissible land and water use and preclude those not permissible. The application should list relevant state constitutional decisions and other appropriate documents or actions which establish the state's legal basis for such controls. It is the state's responsibility to develop the "means" of control, i.e., the legal capability to implement the objectives, policies and individual components of the management program. (CZM rules and regulations)

Works of the district: As defined in the rules of the Southwest Florida Water Management District, any lakes or other impoundments, streams or other water courses, control structures or other facilities owned and maintained by the district or adopted by the governing board as works of the district. (16J-1.002(2), F.A.C.)

SELECTED REFERENCES

GENERAL REFERENCES

American Institute of Planners, Research Office. *Survey of State Land Use Planning Activity.* Washington, D.C.: U.S. Government Printing Office, 1976.

American Society of Civil Engineers. *Coastal Zone 78.* New York, 1978.

Barnes, Peter, ed. *The People's Land: A Reader on Land Reform in the United States.* Emmanus, Pa.: Rodale Press, 1975.

Barney, Gerald O. *The Unfinished Agenda: The Citizen's Policy Guide to Environmental Issues.* New York: Thomas Y. Crowell, 1977.

Bosselman, Fred and Callies, David. *The Quiet Revolution in Land Use Controls.* Washington, D.C.: U.S. Government Printing Office, 1973.

Burchell, Robert W. and Listokin, David, ed. *Future Land Use: Energy, Environmental and Legal Constraints.* New Brunswick, New Jersey: Center for Urban Policy Research of Rutgers University.

Caldwell, Lynton K.; Hayes, Lynton R.; and MacWhiter, Isabel M. *Citizen and the Environment:Case Studies in Popular Action.* Bloomington, Indiana: Indiana University Press, 1976.

Citizen's Advisory Committee on Environmental Quality. *How Will America Grow? A Citizen's Guide to Land Use Planning.* Washington D.C.: Citizen's Advisory Committee on Environmental Quality, 1976.

Clark, John R. *Coastal Ecosystem Management: A Technical Manual for the Conservation of Coastal Zone Resources.* New York: John Wiley & Sons, 1977.

"Comment: Public Participation in Local and Land-Use Planning: Concepts, Mechanisms, State Guidelines and the Coastal Area Management Act." *North Carolina Law Review* (June 1975).

The Conservation Foundation. *A Citizen's Guide to Clean Air.* Washington, D.C.: The Conservation Foundation.

The Conservation Foundation. *Toward Clean Water: A Guide to Citizen Action.* Washington, D.C.: The Conservation Foundation, 1976.

Cutler, Rupert M. and Bronstein, Daniel A. "Public Involvement in Government Decisions." *Alternatives* (Autumn 1974): 11-13.

Healy, Robert G. *Land Use and the States.* Baltimore: Johns Hopkins University Press, 1975.

Izaak Walton League. *Citizen's Guide to Action for Clean Water.* Arlington, Virginia: Izaak Walton League, 1973.

League of Women Voters, Education Fund. "Coastal Zone Management Program." *Current Focus.* 572 (April 1975): 1-6.

League of Women Voters, Education Fund. "Federal Environmental Laws and You." *Current Focus.* Washington, D.C. (1978).

League of Women Voters, Education Fund. "The Clean Water Act of 1977." Washington, D.C. (1978).

Mandelker,Daniel R. *Environmental and Land Controls Legislation*. Indianapolis: The Bobbs-Merrill Co., Inc., 1976.

Miles, Rufus E. *Awakening from the American Dream: The Social and Political Limits to Growth*. New York: Universe Books, 1976.

National Resources Defense Council, Inc. *Land Use Controls in the United States: A Handbook on the Legal Rights of Citizens*. New York: Dial Press/James Wade, 1977.

Orloff, Neil. *The Environmental Impact Statement Process: A Guide to Citizen Action*. Washington, D.C.: Information Resources Press.

Ragan, James F., Jr. *Public Participation in Water Resources Planning: An Evaluation of the Programs of 15 Corps of Engineers Districts*. Springfield, Virginia: U.S. Department of Commerce, National Technical Information Service, November 1975.

Rosenbaum, Nelson M. *Citizen Involvement in Land Use Governance: Issues and Methods*. Washington, D.C.: Urban Land Institute, 1975.

Schnidman, Frank; Silverman, Jane A.; and Young, Rufus C. Jr., ed. *Management and Control of Growth*. Vol. IV: *Techniques in Application*. Washington, D.C.: The Urban Land Institute, 1978.

Scott, Randall W., ed. *Management and Control of Growth: Issues, Techniques, Problems, Trends*. 3 Vols. Washington, D.C.: The Urban Land Institute, 1975.

Shabman, Leonard A. "Toward Effective Public Participation in Coastal Zone Management." *Coastal Zone Management Journal* (Winter 1974): 197-207.

Stover, Emily Jane, ed. *Protecting Nature's Estate: Techniques for Saving Land*. Washington, D.C.: U.S. Government Printing Office, 1975.

U.S. Environmental Protection Agency. *Trends in the Quality of the Nation's Air*. Washington, D.C., March 1977.

STATE REFERENCES

Athos, Deborah E. "Growth Management: Improving Citizen Participation." *Florida Environmental and Urban Issues* IV (August/September 1977): 4-6, 12-13.

Bartley, Ernest. *Comprehensive Planning and Development: An Introduction for the Citizen*. University of Florida Civic Information Series, No. 57 and Urban and Regional Planning Series, No. 2. Gainesville: Public Administration Clearing Service, 1975.

Carter, Luther J. "The Florida Experience." *Florida Environmental and Urban Issues* II (July/August 1975): 1-2, 12-15.

_____. *The Florida Experience: Land and Water Policy in a Growth State*. Baltimore: Johns Hopkins Press, 1974.

Catlin, Robert A. "Comprehensive Planning In Hillsborough County." *Florida Environmental and Urban Issues* VI (November/December 1978): 1-5, 17.

DeGrove, John M. "Land Management: New Directions for the States." Chapter 6 in *Urban Options I*, by Alan K. Campbell, William C. Colman, John M. DeGrove, Arthur Naparstek, Allen E. Pritchard and Arthur Naftalin. Columbus, Ohio: Academy for Contemporary Problems, 1976.

Dennison, Daniel H. "The DRI Process: A Developer's View." *Florida Environmental and Urban Issues* III (November/December 1975): 9-10, 17.

Dore, Patricia. "The Florida APA or Is This the End of Phantom Government?" *Florida Environmental and Urban Issues* II (March/April 1975): 3-4, 16-17.

Florida Department of Community Affairs, Division of Technical Assistance, Comprehensive Planning Assistance Program. *Citizens Participation Element: Guidelines for Local Government Recipients*. Tallahassee, Florida: Department of Community Affairs, March 1975.

Florida Department of Natural Resources, Division of Resource Management, Bureau of Coastal Zone Planning. "Coastal Zone Planning in Florida: A Question of Balance," *Florida Environmental and Urban Issues* IV (November/December 1976): 9-13.

Florida House Committee on Natural Resources, staff. "Wetlands in Florida: A New Legal Status?" *Florida Environmental and Urban Issues* IV (March/April 1976): 4-6.

Gallop, Earl G. "The Florida Environmental Land and Water Management Act of 1972: A Partially Fulfilled Expectation." *Florida Environmental and Urban Issues* VI (November/December 1978): 6-9, 18.

Governor Askew's Staff. "The Florida Comprehensive Plan: Part II." *Florida Environmental and Urban Issues* V (July/August 1978): 9, 21.

LaRoe, Edward T. "Dredge and Fill for Land Development: A Resource Manager's Perspective." *Florida Environmental and Urban Issues* VI (September/October 1978): 8-10.

Mabe, Susan. "Florida's Coastal Zone Planning—A New Strategy." *Florida Environmental and Urban Issues* IV (March/April 1977): 1-3.

MacKay, Kenneth H., Senator. "Florida's Land Use Restrictions: Are They Serving the Public Interest?" *Florida Environmental and Urban Issues* III (January/February 1976): 1-3, 13.

May, James W. "The DRI Process: A State View." *Florida Environmental and Urban Issues* III (March / April 1976):10-14.

Milledge, Allen. "Local Government Comprehensive Planning Act of 1974." *Florida Environmental and Urban Issues* II (August/September 1974): 6, 9.

Misczynski, Dean S. "Industrial Siting: Problems and Proposals." *Florida Environmental and Urban Issues* V (May/June 1978): 1-3, 15.

Rhodes, Robert M. "Compensating Police Power Takings: Chapt. 78-85, Laws of Florida." *Florida Environmental and Urban Issues* VI (September/October 1978): 1-3, 12-13.

Sidor, John Jr. "Local Government Comprehensive Planning Act: Three Years Later." *Florida Environmental and Urban Issues* VI (September/October 1978): 4-7, 11-12.

Swanson, Helge. "The Florida State Comprehensive Plan: An Overview." *Florida Environmental and Urban Issues* V (May/June 1978): 9-14.

Swanson, Helge and Tait, Jim. "Adoption of the Florida State Comprehensive Plan." *Florida Environmental and Urban Issues* VI (November/December 1978): 13-16.

LOCAL REFERENCES

Hillsborough County Commission:
Hillsborough County Directory of Services
Minute Budget
Map of "Horizon 2000" Plan

Hillsborough County Environmental Protection Commission:
Air quality report
Water quality report
Environmental quality book (1977)

Hillsborough County Planning Commission:
Annual report
"Horizon 2000" Plan
"Population and Housing Annual Report"
Sector plans

City of Tampa:
Capital Improvement Budget
City conditions report (on update basis)

Manatee County:
Capital Facilities Design Criteria
Capital Improvements Program
Manatee County Comprehensive Plan
Environmental Engineering Yearly Report
Zoning ordinance (new in 1979)

Pinellas County:
Conservation and coastal zone document
Demographic study
Drainage Plan (finally adopted)
Economic Base Study
Health Care (initially adopted)
MPO Report
Recreation and Open Space (initially adopted)
Water Supply (draft)

Pinellas County Environmental Management Department:
Air Quality Report

Pinellas County Planning Council:
Annual Report (progress report)
Population Estimate Report

Hillsborough Community College:
Environmental Studies Center Annual Conference on the Restoration of Coastal Vegetation in Florida

LEGAL CITATIONS

State

Administrative Procedure Act. Chapter 120, Florida Statutes.

Florida Coastal Management Act of 1978. Section 380.20 et seq., Florida Statutes.

The Florida Environmental Land and Water Management Act of 1972. Sections 380.012-380.10, Florida Statutes.

Local Government Comprehensive Planning Act of 1975. Section 163.3161 et seq., Florida Statutes.

Florida Water Resources Act of 1972. Chapter 373, Florida Statutes.

Federal

Clean Air Act. 42 United States Code 1857 et seq.

Coastal Zone Management Act of 1972. 16 United States Code 1451 et seq.

Federal Water Pollution Control Act (*Clean Water Act of 1977*). 33 United States Code 1251 et seq.

STATE DEPOSITORIES IN THE TAMPA BAY REGION

HILLSBOROUGH COUNTY

Tampa Public Library
Main Branch
900 North Ashley
Tampa 33602
(813) 223-8865

University of South Florida
4202 East Fowler Avenue
Tampa 33620
(813) 974-2729

University of Tampa
401 West Kennedy Boulevard
Tampa 33606
(813) 253-8861

SARASOTA AND MANATEE COUNTIES

Sarasota Public Library
701 Plaza De Santo Domingo
Sarasota 33577
(813) 955-4903

PINELLAS COUNTY

Clearwater Public Library
100 North Osceola Avenue
Clearwater 37515
(813) 443-4588

St. Petersburg Public Library
3745 Ninth Avenue, North
St. Petersburg 33713
(813) 822-4523

Stetson University College of Law
Charles A. Dana Law Library
1401 61st Street, South
St. Petersburg 33707
(813) 345-1335

POLK COUNTY

Lakeland Public Library
100 Lake Morton Drive
Lakeland 33801
(813) 686-2168